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Liberty and authority in Colonial Georgia, 1717-1776

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LIBERTY AND AUTHORITY IN COLONIAL
GEORGIA, 1717-1776

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
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in

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by

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ABSTRACT

Few historical works examine the society and politics of both the Trustee and royal periods of Colonial Georgia. This dissertation highlights the central theme that binds the two eras together: the delicate balance between liberty and authority. Colonists believed that the greatest threat to liberty was the potential for the mother country to acquire undue power. To guard against that danger, settlers supported the establishment of strong local sources of authority within the colony that would act as a check against excessive imperial power.

The Trustees initially used land, slavery, and trade restrictions to deny political and economic power to Georgia settlers as well as limit the influence of South Carolina elites. The Georgia corporation retained absolute political power in London by deliberately constructing a weak and ineffective colonial government. James Oglethorpe and various other civilian and military leaders took advantage of the situation to assume unofficial authority over the colonists. Protesting that the Trust's property laws and monopolization of political power violated British liberty, Georgia and South Carolina residents launched a campaign that appealed to the Crown, Parliament, and English public for intervention. These efforts were successful enough to weaken fatally the Trustees' grasp on Georgia and allow inhabitants to evade oppressive laws with impunity until they were officially repealed.

Achieving an acceptable relationship between local and imperial authority was just as difficult under royal rule. In general, authorities in London sought to maintain the supremacy of the Crown and Parliament. Colonists sought to expand local authority

through the Lower House of Assembly. From 1757 to 1764, Georgians believed they were making progress toward that elusive balance between liberty and authority. Changes in the imperial system after 1765, however, challenged colonists' expectations of future progress. England demanded that Americans acknowledge the mother country's unlimited supremacy. Georgians were equally adamant that strong colonial representative institutions were necessary to oppose excessive and arbitrary imperial authority. As a result of this standoff, large numbers of Georgians concluded by 1776 that local authority and liberty were no longer possible under British rule.

INTRODUCTION

Historians have long emphasized Georgia's uniqueness. Scores of journal articles point to some unusual event or development and declare, "Isn't that really strange?" Every colony was distinct in some ways from its neighbors, and this diversity deserves exploration. Focusing exclusively on dissimilarities, though, risks turning the author into a modern day Lewis Carroll—reveling in the oddity of his or her chosen Wonderland. Though Georgia's early history contained many quirks, the individuals involved with the colony were largely typical of the age. The Trustees were not the odd ducks that generations of scholars have made them out to be, but ambitious politicians similar to others in eighteenth century England. Georgia colonists likewise did not exist in a vacuum. They had a shared belief system that bound them together with other citizens of the British commonwealth. Their common experiences in Georgia led them to identify more closely with fellow settlers in other parts of America. Despite being the youngest British colony in North America, founded only in 1732, by the mid-1760s Georgia as a

whole was beginning to enter the mainstream of colonial life and becoming more like her neighbors than different. The province joined in the rebellion against England in 1775 not because older colonies forced their youngest sibling to conform, but because of the beliefs and interests that Georgians shared with Virginians, Carolinians, and Pennsylvanians.

The scholarly focus on Georgia's strangeness and isolation is largely the result of segmentation in historical study. For Trustee historians—who have written more than ninety percent of the scholarship on the colony—time abruptly ended its march in 1752 when the Trust surrendered its charter. Georgia's first two decades were filled with numerous marvelous absurdities that entertain researchers and readers alike. For the handful of royal scholars, history mysteriously began in 1754 with the arrival of the first Governor. These historians contrast the province's tardiness in defending American rights with the more assertive measures taken by other colonies. The few scholarly works that try to bridge that chronological gap tend to focus on slavery or cultural life rather than politics.

There are many continuities in early Georgia history, and one is the emphasis that colonists placed on the preservation of "liberty." Though the concepts attached to this word by Georgians were often vague, it is possible to highlight a few of the different meanings applied to liberty. In a basic sense, liberty guaranteed to each British citizen the right to own land with few restrictions. Property was considered essential to economic security and independence.¹ Closely related to this was the idea that people should be free from undue constraints on their lives—free, for example, to pursue economic opportunity wherever it presented itself. If this was liberty applied largely to the private sphere, the concept also had a public dimension. Once Georgians

¹ On the relationship between liberty and property, see H. T. Dickinson, *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, 1977); and J. A. W. Gunn, *Beyond Liberty and Property: the Process of Self-Recognition in Eighteenth-Century Political Thought* (Kingston, 1983).

managed to secure their property rights, liberty entitled them to an active role in politics. Since Georgians assumed that most fellow settlers would not willingly or knowingly surrender their rights as Englishmen, colonists saw involvement in government as a means to preserve yet another aspect of liberty—freedom from arbitrary power.

Liberty was in constant conflict with authority. Too much power led to tyranny, but too little risked anarchy—neither was a desirable state. The key was to strike a balance.² Colonists had a deep distrust of government ministers, considering them susceptible to the lure of unrestrained power. Local (i.e., colonial) authority was viewed as the most effective means of protecting provincial citizens from the possibility of oppression by corrupt imperial officials. Confronted by numerous petty tyrants early in their colonial experience, Georgians also learned that not every appointed local official could be trusted either. During the royal period, residents began to stress that local leaders should be accountable to those they governed. By the 1760s, this led colonists to assert that local authority could be exercised only by elected bodies—such as the Georgia Lower House of Assembly—that directly represented the people. Only through such local institutions could American liberties be protected from excessive imperial authority.

These beliefs about the opposing natures of liberty and authority were common throughout the British world. As contemporary philosopher David Hume elaborated upon the theme:

In all governments, there is a perpetual intestine struggle, open or secret, between Authority and Liberty; and neither of them can ever absolutely prevail in the contest. A great sacrifice of liberty must necessarily be made in every government; yet even the authority, which confines liberty, can never, and perhaps ought never, in any constitution, to become quite entire and uncontrollable.”³

² On the notion of a balance between the two poles being dominant in thinking throughout early America, see Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass., 1968), 55-93; Michael Kammen, *Spheres of Liberty: Changing Perceptions of Liberty in American Culture* (Madison, Wis., 1986), 17-52; Lawrence H. Leder, *Liberty and Authority: Early American Political Ideology, 1689-1763* (Chicago, 1969); and John Phillip Reid, *The Concept of Liberty in the Age of the American Revolution* (Chicago, 1988).

³ Quoted in Kammen, *Spheres of Liberty*, 21.

Eighteenth century Georgians understood the ties between liberty and property explored by John Locke in the seventeenth century. Residents shared the same distrust of government power expressed by influential “radical Whig” theorists such as James Harrington, John Trenchard, and Thomas Gordon.⁴ Probably no more than a fraction of Georgians ever read these authors’ works since very few people had a formal education. A few important Trustee officials signed with an “X” instead of their name, indicating that even early colonial leaders were illiterate. Individuals who could read preferred to do so for entertainment rather than enlightenment. Works of literature were more popular than books on theology, history, and law combined.⁵ Whatever notions Georgians absorbed about British political thought reached them through the hazy filter of popular culture. Vague beliefs, however, can be held just as deeply as refined philosophical positions, and concern over the relationship between liberty and authority in America persisted beyond the colonial period. In 1788, Alexander Hamilton noted that the ultimate task of the United States Constitution was to strike “the perfect balance between liberty and power.”⁶ Colonial Georgia’s similar beliefs about the British Constitution placed the colony firmly in the early American mainstream.

Chapter One, “The Georgia Project: A Colony in Development, 1717-1735,” outlines contemporary colonization proposals in order to highlight their similarities to the Georgia plan. The Trustees’ motives were not unique, but their implementation of government was. The reasons for the province’s odd political landscape can be found not in the Trust’s standard

⁴ On the influence of radical Whig authors on colonial America as a whole, see Bailyn, *Ideological Origins*, 22-54.

⁵ Harold E. Davis, *The Fledgling Province: Social and Cultural Life in Colonial Georgia, 1733-1776* (Chapel Hill, 1975), 233-34; C. R. Kropf, “The Availability of Literature to Eighteenth-Century Georgia Readers,” *Georgia Historical Quarterly* 63(1979): 353-63.

⁶ Quoted in Kammen, *Spheres of Liberty*, 32.

boilerplate justifications, but in the backgrounds of individual Trustees. Ambitious politicians and ruthless social climbers who desired power, the gentlemen sought to maximize their control over the settlement. They carefully negotiated a generous charter and outlined strategic property restrictions. The resulting centralization of power effectively insulated the Trust from both royal and colonial pressures. Trustee policies led to early protests from settlers who from their English heritage understood the connections between power and property. Colonists insisted that unrestricted property ownership was a fundamental principle of British liberty. A majority—though not all—of the Trustees dismissed complaints by arguing that the people had voluntarily surrendered their rights by agreeing to the terms of settlement. The corporation had no intention of sharing power with settlers, as that would increase Georgia’s ability to resist Trust authority.

Chapter Two, “‘Liberty and Property with No Restriction’: Opposition to the Trustees in Georgia and South Carolina, 1735-1743,” examines the Trustee legislative efforts to exclude the colonial population from political power by denying them the ownership of land and slaves. The corporation also sought to minimize South Carolina’s influence by forcing Charlestonians to either submit to Georgia Indian trade and rum laws or stay out of the province. Carolinians, however, believed that British liberty entitled them to free trade with Native American tribes. Undue restrictions on economic opportunity were a violation of liberty. Carolina led the resistance to Trust policies and successfully used the imperial machinery to override Trustee authority. Georgians observed and learned from their neighbor. When petitions to the corporation failed to bring about requested changes in property regulations, Georgia malcontents took their grievances to Parliament and to the British public. Colonists argued that liberty entitled them to full property ownership. Possession of land and slaves would in turn legitimize

provincial demands for participation in government. These two campaigns launched from Carolina and Georgia steadily eroded the Trust's authority in America.

Chapter Three, "James Oglethorpe and the Structure of Trustee Authority, 1732-1753," outlines the structure—or lack thereof—of provincial administration under the Trustees. The corporation purposefully built an inadequate colonial government—one whose officials would be reliant upon London for guidance. This arrangement was compromised by the presence of James Oglethorpe, who, during his time in America, filled the void in colonial government by assuming extensive powers for himself. The Trustees worked to limit and then eliminate his influence over Georgia, particularly after he accepted command of a regiment from the Crown in 1738. Through trial and error (mostly the latter), the Trustees found that they could diminish Oglethorpe's authority only by strengthening the colonial government until it could effectively resist his demands. When Oglethorpe left Georgia permanently in 1743, the regiment's commanders attempted to exercise similar power, leading to numerous clashes between military and civilian authorities. The continual problems caused by the colony's inadequate government eventually pushed the Trustees into creating an elected Assembly in 1751. Had the corporation not surrendered its charter the following year, that representative body likely would have become the new focal point for local authority.

Chapter Four, "Interregnum and Accession: Georgia in Transition, 1752-1757," explores the transfer of power from the Trustees to the Crown. Under the interim government and then under royal administration, Georgia was transformed socially by an influx of immigrants from Carolina and the West Indies, as well as economically by the rapid growth of large scale slavery and plantations. These developments raised expectations that a similar change would come in the political arena. While colonists believed that royal government should establish and preserve

local authority, Governor John Reynolds arrived with instructions to maintain a strong royal prerogative. The two viewpoints were not necessarily mutually exclusive, but Reynolds proved incapable of managing the delicate task assigned to him. He tried to break both the Upper and Lower Houses of the legislature and bend the province to his will. Reynolds' chosen agent for these missions was William Little, an outsider. Little's possession of numerous official positions caused a great deal of resentment in Savannah, and inhabitants interpreted the governor's actions as another attack upon local authority. To populate the governor's faction, Reynolds had to relinquish elements of royal power to his followers. This angered his superiors in London, who were more than willing to replace him in light of provincial protests. For the second time, Georgians had successfully petitioned superior authorities in England to intervene in defense of liberty.

Chapter Five, "The Resort of Liberty: Georgia's Quest for Maturity, 1757-1765," discusses Georgia's movement toward the colonial political mainstream under Governors Henry Ellis and James Wright. When Ellis arrived, he treated the Council and Assembly as full partners in the governing process. His strengthening of the royal prerogative made the Georgia Lower House acutely aware of its weakness in comparison to its counterparts in the rest of America. However, continued calls for greater provincial power were muted by a sense of general contentment with the direction of colonial development. Ellis adopted an outlook that placed the needs of Georgia above strict adherence to Crown instructions. Inhabitants could see progress toward reaching an ideal balance between imperial and local authority, which was seen as essential for the protection of liberty. From 1760 to 1764, Wright followed a course of action similar to that charted by Ellis. Georgians at first noticed only a subtle change in tone rather than a major alteration in

policy. Even changes in the overall colonial system in 1763 and 1764 did not shatter the illusion that the mother country and her colony shared the same assumptions and goals.

Chapter Six, “Resistance, Rebellion, and Revolution, 1765-1776,” analyzes the conflict between Georgia and England after 1765. The events of that year fundamentally altered the relationship between the governor, Council, Assembly, and the people. In the wake of the Stamp Act, only the Commons House could legitimately—in the eyes of most colonists—claim to act as an agent of local authority. Over the ensuing decade, representatives worked to protect and enlarge the Assembly’s sphere of influence to more effectively oppose new regulations from London. The Georgia Commons based its claims to power on selective examples drawn from other colonies. If even a single provincial assembly in North America could claim a customary privilege, representatives in Georgia proclaimed it to be their constitutional right. Georgia protests contained ideas similar to those expressed in other parts of America, but the province hesitated to take radical action. Other colonies were fighting to retain local privileges and powers already acquired, but Georgia residents recognized that their young settlement would require time to achieve a mature balance between liberty and authority. The comparative weakness of the Georgia patriot movement resulted from these divergences in expectations, not a deficiency in ideology. So long as inhabitants believed that progress toward the ideal imperial relationship (however vaguely each individual defined it) was still possible within the existing colonial framework, loyalism remained strong. By 1774, however, an increasing number of settlers had concluded that existing institutions, including the Assembly, would never be able to preserve local authority. This led the Sons of Liberty to establish extralegal governing bodies free from Parliamentary and royal control. When these patriot groups usurped the normal functions of colonial government in 1775, it was a declaration—repeated a year later on a larger

stage and in more eloquent terms—that colonists could rely only upon themselves to defend their liberties.

CHAPTER ONE
THE GEORGIA PROJECT: A COLONY
IN DEVELOPMENT, 1717-1735

In early 1733, thirty-seven year old James Oglethorpe stood on the deck of the *Anne* and pondered the coast of America. In his care lay 114 Christian souls charged with establishing Great Britain's first new mainland colony in a half century. Under his leadership, successive waves of colonists would work to transform these trees into houses, grassy meadows into towns, and dirt paths into roads. The settlers faced many dangers, some of them foreseen—hunger, disease, Native Americans, Spanish soldiers—and others that neither Oglethorpe nor anyone else involved in the venture could predict. The enormity of the task ahead might have overwhelmed another man. Oglethorpe instead felt invigorated, optimistic, and eager to mold an ideal settlement that all England could view with pride. Those under his command and the public back home shared the same initial burst of enthusiasm. Georgia, Oglethorpe was convinced, would soon bring lasting

stability to England's southern colonies and rank amongst the most vital trade centers in the British Empire.

• • •

Forty-three years after Oglethorpe first gazed upon the New World, in early 1776, Georgia's royal Governor James Wright stood on the deck of H.M.S. *Scarborough* and cast his eyes out over the coast of America. Wright had spent the previous sixteen years overseeing Georgia's transformation from a struggling, sparsely populated settlement into a thriving province. For much of his long tenure he had enjoyed the goodwill and respect of colonial citizens. Beginning with the Stamp Act in 1765, however, unpopular legislation from London had slowly eroded the relationship between governors and governed throughout America. Now effectively exiled, Wright faced the painful reality that only the might of the British navy prevented his arrest and imprisonment by Georgia rebels. As the deck rolled gently beneath his feet, his thoughts turned towards the self-styled "patriots" on land who openly defied both King and Parliament and now armed themselves for war against their mother country. Looking back over his tenure as governor, and over the whole of Georgia's past, perhaps Wright asked himself a simple question: How could this province have gone from such humble beginnings to armed rebellion in a mere four decades?

• • •

Oglethorpe's 1733 voyage was not the only eighteenth century attempt to form a new British settlement. The first major proposal for a new colony in the region of South Carolina came from Scottish baronet Sir Robert Montgomery. In 1717, Montgomery wrote *A Discourse Concerning the Design'd Establishment of a New Colony to the South*

of Carolina, in the Most Delightful Country of the Universe, followed three years later by *A Description of the Golden Islands*. In these booklets, Montgomery outlined his plan for establishing the Margravate of Azilia located between the Savannah and Altamaha Rivers. Since the proposed land legally belonged to South Carolina's Proprietors, Montgomery needed their support. Her Proprietors favored Azilia because a new settlement on the southern border might benefit Carolina. The two sides struck a bargain. The arrangement entitled the Proprietors to annual rents on any occupied land, plus a one-quarter portion of any mineral wealth drawn from the colony. Montgomery would receive a lifetime position as governor of the new American settlement.¹

According to Montgomery, the Margravate's inhabitants would be citizen-soldiers recruited from among England's impoverished masses and brought over as indentured servants. During their indenture, they would guard the colony against its enemies. Placed in compact, fortified settlements, the colonists could mobilize quickly to counter any military attack from the French, Spanish, or Indians. When their term of service to the colony ended, they would receive a grant of land and sufficient stock to support their families. Presiding over Azilia's flourishing society, Montgomery predicted, would be a genteel and educated gentry.

Before dispatching a ship, however, any colonization effort needed to obtain royal approval. Three major Crown institutions oversaw colonial affairs: the King, his Privy Council, and the Lords Commissioners for Trade and Plantations (commonly called the Board of Trade). The first stage in establishing a new colony involved petitioning the

¹ Both promotional pamphlets are reprinted in Robert Montgomery, *The Most delightful Golden Islands; being a proposal for the establishment of a colony in the country to the south of Carolina*, ed. Kenneth

Privy Council, which in turn routinely referred such questions to the Board of Trade for a report. With only a few exceptions, the Privy Council usually followed the Board's advice, with the King in turn normally accepting his Council's recommendation. It took both skill and luck to successfully clear these hurdles. A negative result at any of the three stages spelled death for the proposal. Petitions failed far more frequently than they succeeded. Any would-be proprietor had to sell his concept convincingly.²

To attract support from the Crown, Montgomery developed an argument that Azilia's founding benefited England. He first described how the colony would provide goods, including olives, silk, wine, raisins, almonds, and currants, that England currently imported at great expense from foreign nations. Then Montgomery pointed out that placing an established British settlement in the territory helped thwart French ambitions to spread from Louisiana to the Atlantic Ocean. While the Board of Trade initially proved receptive, they still sought the Attorney General's opinion. He expressed concern that under the original proposal Montgomery held his position for life. Further, Azilia did not have to submit laws to the King for approval. In his opinion, both elements of the plan undercut the royal prerogative. Instead, he suggested that the Carolina Proprietors allow the Crown to have full powers of government in the colony. Montgomery would still be the first governor, but serve only at the King's pleasure. These reservations about Azilia's

Coleman (Atlanta, 1969).

² Though no adequate modern monograph on the Board of Trade in the 1730s exists, useful information on the period directly before and after Georgia's establishment can be found in Arthur H. Basye, *The Lords Commissioners of Trade and Plantations, Commonly Known as the Board of Trade, 1748-1782* (New Haven, Conn., 1925) and Ian K. Steele, *Politics of Colonial Policy: the Board of Trade in Colonial Administration, 1696-1720* (Oxford, 1968). Useful information can also be found in Leonard W. Labaree, *Royal Government in America: a Study of the British Colonial System before 1783* (New Haven, Conn., 1930).

government, along with a lack of money, eventually proved fatal to Montgomery's project.³

The same year Montgomery's Azilia dreams first saw print, noted philanthropist Thomas Coram presented another colonization scheme to the Board of Trade. Coram intended to settle former British soldiers in a new colony named "Georgia" located between Massachusetts and Nova Scotia. Persecuted foreign Protestants willing to take an oath of allegiance might immigrate to the area, he said, lured by the promise of British liberty. The principal product of Georgia was to be hemp and other naval stores. However, the Board of Trade did not prove any more receptive to Coram's ideas than Montgomery's. The reluctance of London officials probably stemmed in part from the unusual structure of the colony's government, which would be under control of the First Commissioner of the Admiralty. He would name a lieutenant governor and a Board of Trustees to act as his Council. Coram's proposal made little progress during the next decade. Massachusetts refused to cede the land and lobbied the Board of Trade to reject the colonization scheme.⁴ Finally, in 1730, the government dismissed Coram's petition for

³ *Calendar of State Papers, Colonial Series, America and West Indies, August 1717-Dec. 1718* (London, 1930), 178, 187-88, 223, 232-33, 341 (Hereafter A&WI); Kenneth Coleman, *Colonial Georgia: a History* (New York, 1976), 8-9.

⁴ A&WI, Jan. 1716-July 1717, 308-309, 310, 316, 324. Milton Ready, "The Georgia Concept: An Eighteenth Century Experiment in Colonization," *Georgia Historical Quarterly* 55(1971): 157-59; H.B. Fant, "Picturesque Thomas Coram, Projector of Two Georgias and Father of the London Foundling Hospital," *Georgia Historical Quarterly*, 32(1958): 149-57.

a northern land grant, and, though he held out some hope of reversing the decision, he enthusiastically joined in the campaign for a southern Georgia.⁵

The next significant colonial push came just a few years after Montgomery and Coram began their efforts. The proponent this time was a Swiss merchant named Jean Pierre Purry. Purry was eager to form a new colony and cared little about the source of his permission or funding. He first sought support from Holland and France in efforts to settle in either Australia or Africa. Denied by both continental powers, Purry took his case to England, proposing a new settlement near or in South Carolina. Here the name “Georgia” was applied to a region stretching all the way from Carolina to the Mississippi River. To increase his odds of gaining approval from the English government for his endeavor, Purry stressed his colony’s military value. The first wave, he said, would consist of a regiment of 600 Swiss organized under Purry’s command, with another 600 to follow within three years.

In a pamphlet published in 1724, Purry explained Georgia’s potential advantages to England. The settlement could play a key role in counteracting France’s growing influence in southern North America. If the colony expanded west as far as the Mississippi, the British might use it to shut off Louisiana’s upriver trade with Indian tribes and sever its overland communications with Canada. Although the province’s strategic and military value alone made the plan praiseworthy, Purry stated, Georgia also promised economic benefits. Carolina and Georgia, according to Purry’s calculations, lay at the perfect latitude for the production of silk, furs, and indigo. In particular, he focused

⁵*A&WI*, 1730, 35-36. Coram continued to push a northern project as late as 1743. See *Journal of the Commissioners for Trade and Plantations*, January 1741-2 to December 1749 (London, 1928), 71.

attention on silk cultivation. The climate was so ideal that within thirty years “Great Britain . . . will be able to produce on her own lands a quantity of silk sufficient to supply the needs not only of her own subjects, but also, if she found it necessary, of the rest of Europe.” Despite approval from the government and Carolina, little money materialized. Purry eventually established a small settlement in South Carolina proper, which quickly declined and faded away in the 1730s.⁶

In 1731 several merchants and the former lieutenant governor of Pennsylvania, Sir William Keith, proposed yet another geographical location for an American “Georgia.” Raising the alarm about French expansion from Louisiana, Keith insisted that England needed a new colony west of Virginia to settle those lands before French Papists. Keith predicted that the bulk of his settlers would come from persecuted Protestants in various German principalities. Protected by British laws, the refugees would produce silk, hemp, potash, and wine for England’s consumption. Leaders in Maryland and Virginia—alarmed that a western province might shut off their colonies’ future expansion—combined successfully to block Keith’s project.⁷

Given the high interest in colonization during the 1720s and early 1730s, it seems inevitable, in retrospect, that England would create an additional settlement somewhere in

(Hereafter *Board of Trade Journal*).

⁶ A&WI, 1724-1725, 107-108, 110, 389-90, 392; A&WI, 1726-1727, 176, 203; Jean Pierre Purry, *Memorial presented to His Grace My Lord the Duke of Newcastle upon the present condition of Carolina, and the Means of its Amelioration* (1724) in Trevor R. Reese ed., *The Most Delightful Country in the Universe: Promotional Literature of the The Colony of Georgia, 1717-1734* (Savannah, 1972), 59-60, 65; Ready, “The Georgia Concept,” 161-62; Henry A. M. Smith, “Purrysburgh,” *South Carolina Historical and Genealogical Magazine* 10(1909): 187-219.

⁷ A&WI, 1731, 76-77, 89-91, 92-93, 103-104; A&WI, 1732, 181; Ready, “The Georgia Concept,” 162-63.

America. The principals that finally succeeded in their proposal, the Trustees for Establishing the Colony of Georgia in America, owed an intellectual debt to those who tried and failed before them. When presenting their case to the Crown and to the British public, the Trustees borrowed heavily from the ideas expressed in previous Georgia proposals.⁸

The Georgia promotional literature issued between 1732 and 1735 devoted much space to explaining Georgia's economic plan.⁹ Colonies in general served a vital role in mercantilist theory, producing raw materials necessary to feed British industries and, in addition, providing markets in which to sell finished goods. If successful, the Trustees argued, Georgia would provide valuable agricultural products that England could not produce herself. The new colony would simultaneously enrich the nation by making it less dependent on foreign nations and enrich British traders by offering them new opportunities. Two major economic features envisioned by Montgomery—silk production and compact farming townships—were mentioned frequently in the overall scheme developed by the Georgia Trust. Coram had stressed the importance of his northern Georgia's timber resources. Naval stores produced there, he said, could keep the British

⁸ Kenneth Coleman and Milton Ready also have noted this intellectual debt. See Ready, "The Georgia Concept"; and Coleman, "The Southern Frontier: Georgia's Founding and the Expansion of South Carolina," *Georgia Historical Quarterly* 56(1972): 163-74.

⁹ Overviews of Georgia's promotional pamphlets can be found in Rodney Baine, "James Oglethorpe and the Early Promotional Literature of Georgia," *William and Mary Quarterly* 3rd series 45(1988): 100-06 and Verner W. Crane, "The Promotion Literature of Georgia," in *Bibliographical Essays: a Tribute to Wilberforce Eames* (Cambridge, 1924): 281-98.

navy afloat. The Trustees made substantially the same claim when describing the forests in their southern settlement.¹⁰

From a military and strategic perspective, most contemporary observers saw the need for a colony in the region between South Carolina and Florida. Carolina had developed into a prosperous and valuable rice colony, but, despite its wealth, was vulnerable to attack. The only settlements that lay between the people of Carolina and Spanish forces at St. Augustine belonged to Indian tribes, many of them allies of Spain. Black slaves posed an internal threat, forcing the militia to focus on domestic security and further weakening the colony's military defenses. English fears for South Carolina's safety proved well founded. A bitter war with the Yamasee Indians from 1715 to 1719 dealt severe damage to the colony's economy and population. To complicate things further, Spaniards and Natives were not South Carolina's only enemies. In the 1720s and early 1730s, French forces pushed deep into modern Mississippi and Alabama from their base in Louisiana, adding a new threat to the province's existence.

Unsurprisingly, then, military defense was an important element in most Georgia proposals. Montgomery had envisioned sturdy settlements of citizen-soldiers ready at an instant's notice to lay down their plows and pick up their muskets. Coram sought to

¹⁰ Albert Berry Saye, "The Genesis of Georgia: Merchants as Well as Ministers," *Georgia Historical Quarterly* 24(1940): 191-206; Randall M. Miller, "The Failure of the Colony of Georgia Under the Trustees," *Georgia Historical Quarterly* 53(1969): 1-17; Geraldine Merony, "The London Entrepot Merchants and the Georgia Colony," *William and Mary Quarterly* 3rd series 25(1968): 230-44; Thomas McKinstry, "Silk Culture in the Colony of Georgia," *Georgia Historical Quarterly* 14(1930): 225-35; Milton Ready, *The Castle-Builders: Georgia's Economy Under the Trustees, 1732-1754* (New York, 1978), Reba C. Strickland, "The Mercantile System as Applied to Georgia," *Georgia Historical Quarterly* 22(1938): 160-68; and Paul S. Taylor, *The Georgia Plan, 1732-1752* (Berkeley, 1972). On mercantilism in the British empire in general, see Michael Kammen, *Empire and Interest: the American Colonies and the Politics of Mercantilism* (New York, 1970). For its continued prominence into the Revolutionary era, see John E. Crowley, *The Privileges of Independence: Neomercantilism and the American Revolution* (Baltimore, 1993).

establish a colony of former soldiers and place it under British Admiralty command, while Purry attempted to organize his own regiment to carve out an American settlement. All had discussed how their settlement would aid Britain in the struggle to wrest North America away from Spain and France. As Montgomery and Purry did before them, the Trustees could give greater details about the specific benefits to South Carolina's defense. Georgia's hearty yeoman militia could provide a stable military buffer, stopping hostile traffic from three directions. Georgia's presence would discourage slaves from escaping from their Carolina masters to Florida. Fortifications and patrols could discover and then delay or turn back any Spanish invasion from Florida. As Georgia expanded westward toward the Mississippi river, British settlements and forts would eventually discourage French incursions from the west.¹¹

Charitable and religious themes ran through all of the various Georgia plans in the early eighteenth century, and the Georgia Trustees used the same language and ideas. Georgia, said the Trust, was designed to ease the plight of impoverished debtors, landless farmers, and unemployed workers in England. America offered them a chance to establish their economic independence while removing part of an unruly and potentially dangerous underclass from England's cities.¹² Having repeated Montgomery's plea on behalf of the

¹¹ Trevor R. Reese, *Colonial Georgia: a Study in British Imperial Policy in the Eighteenth Century* (Athens, Ga., 1963) covers the military and strategic value of the colony from the point of view of British politicians and statesmen.

¹² Dorothy Marshall, *The English Poor in the Eighteenth Century: a Study of Social and Administrative History* (London, 1926) offers a clear and thorough overview of contemporary poor relief debates that still impresses nearly eight decades later. For more up to date accounts, see Geoffrey W. Oxley, *Poor Relief in England and Wales, 1634-1834* (Newton Abbot, 1974); and Lynn Hollen Lees, *The Solidarities of Strangers: The English Poor Laws and the People, 1700-1948* (Cambridge, 1998). The same urges transferred over to early America. For examples see Peter J. Coleman, *Debtors and Creditors in America: Insolvency, Imprisonment for Debt, and Bankruptcy, 1607-1900* (Madison, Wis., 1974); and Gary B.

British poor, the Trustees then imitated Purry, Coram, and Keith by offering Georgia as a place of refuge to persecuted Protestants in Germany and other parts of Europe.

The philanthropic element in colonial Georgia's history has preoccupied most scholars. Unlike other contemporary charity projects with hidden motives, concludes one historian, "the altruism of the Georgia Trustees was genuine." Praise of the Trustees' benevolence has occasionally been unrestrained. The Trust's role was, writes R.A. Roberts, "wholly honourable and disinterested, prompted by motives of the best kind, and carried out with an assiduous attention to the business that commands admiration and respect." Similar comments are found even in accounts critical of Trust policies. In the midst of a devastating attack on the methods used to govern Georgia, Daniel Boorstin still praised "the selfless zeal of the Trustees of Georgia." In particular, the popular notion persists even today that Georgia's first settlers were imprisoned debtors whom the Trustees rescued from England's jails. While challenging this particular myth in modern research, most scholars still agree about the Trust's charitable impulse. During the early years of colonization, Albert Berry Saye writes, "relief to imprisoned debtors had become but a part of the philanthropy involved in the broad Georgia enterprise."¹³

Nash, "Poverty and Poor Relief in Pre-Revolutionary Philadelphia," *William and Mary Quarterly* 3rd series 33(1975): 3-30.

¹³ Milton Ready, "Philanthropy and the Origins of Georgia," in Harvey H. Jackson and Phinzy Spalding, ed., *Forty Years of Diversity: Essays on Colonial Georgia* (Athens, Ga., 1984), 52; Albert Berry Saye, "Was Georgia A Debtor Colony?," *Georgia Historical Quarterly* 24(1940): 325; R.A. Roberts, "The Birth of an American State: Georgia," *Transactions of the Royal Historical Society* 4th series 6(1922): 23; Daniel J. Boorstin, *The Americans: the Colonial Experience* (New York, 1958), 75. Others who stress charity as a motive include Leslie F. Church, *Oglethorpe: a Study of Philanthropy in England and Georgia* (London, 1932); Albert B. Saye, "The Genesis of Georgia Reviewed," *Georgia Historical Quarterly* 50(1966): 153-61; Phinzy Spalding, "James Edward Oglethorpe's Quest for an American Zion," in Jackson and Spalding, *Forty Years of Diversity*, 60-79; Verner W. Crane, "Dr. Thomas Bray and the Charitable Colony Project, 1730," *William and Mary Quarterly* 3rd series 19(1962): 49-63;

The Trust emphasized three broad motives—economic, military, and charitable—when making public appeals on behalf of Georgia. They devoted extensive amounts of time and money expanding on those themes in print. The resulting documents offer historians a bewildering array of ideas to weigh. Each motive appears numerous times in contemporary promotional literature, and each played a role in Georgia's founding. As a result, there is no scholarly consensus as to which single motive was primary, and which were secondary. One reason for this is that the Trustees themselves presented completely different goals as "primary" depending on the audience being addressed. When raising sympathy and money from the London merchant community, the Georgia corporation tended to stress the mercantile benefits of settlement. Addresses to religious and charitable groups such as the Society for the Propagation of the Gospel in Foreign Parts highlighted the philanthropic aspects of the colony. When the Trustees came before the Board of Trade or Parliament seeking governmental favor, emphasis understandably shifted to Georgia's military and strategic value.

Historians often find it useful to try to understand Georgia's early history through the intentions of its founders. If one can understand the motives behind the colony, researchers reason, perhaps one can explain the colony's unusual course of development. Georgia's role as a defensive buffer partially explains why Georgia lay mired in poverty during its first two decades—defense took priority over economic development. Economic motives account for some of the seemingly counterproductive regulations issued in Georgia's early years, as these stemmed from imposing preconceived mercantilist

Rodney M. Baine, "The Prison Death of Robert Castell and its Effect on the Founding of Georgia," *Georgia Historical Quarterly* 73(1989): 67-78.

views on a situation where they did not fit. Similarly, one could argue that philanthropic goals led the Trustees to plan an unrealistic and unachievable utopia for the honest poor of England.¹⁴

The focus on these three publicly declared motives, however, has misled historians. Taken collectively, they do not fully explain many atypical aspects of the colony. The ideas behind the Georgia plan were very common. It was the colony's planned government and social structure that were unique. By the time King George II approved Georgia's charter, the broad outlines of British colonial life had been well established. Slavery existed in every North American and Caribbean colony. Southern colonies close to Georgia had developed a plantation system dominated socially and politically by their gentries. Early American society in the mid-eighteenth century was generally marked by contention, openness, widespread landholding, religious diversity, and, perhaps most importantly, a division of power between officials in London and colonial citizens. Every mainland colony except Georgia had some sort of representative assembly through which citizens could voice their approval or opposition to actions by colonial or London officials. Through their provincial legislatures, colonists had laid claim to a broad authority over their internal affairs and government.¹⁵ They claimed this authority based on their understanding of the British constitution and British liberty. Georgia's initial unique

¹⁴ Albert Berry Saye, "The Genesis of Georgia: Merchants as Well as Ministers," *Georgia Historical Quarterly* 24(1940): 191-206; Randall M. Miller, "The Failure of the Colony of Georgia Under the Trustees," *Georgia Historical Quarterly* 53(1969): 1-17.

¹⁵ On the power sharing between assemblies and imperial officials, see Jack P. Greene, *The Quest for Power: the Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776* (New York, 1963). For more general trends, see Greene, *Pursuits of Happiness: the Social Development of Early Modern British Colonies and the Formation of American Culture* (Chapel Hill, 1988).

aspects—a prohibition upon slavery, a denial of land ownership, and the lack of a colonial assembly chief among them—marked therefore a sharp departure from the mainstream, which cannot be fully explained by reference to common ideas about charity, defense, or economics. Other colonies had achieved success while allowing slavery and representative assemblies.

In Georgia, authorities attempted to assert a far greater power over their colonists than any enjoyed over residents in other parts of British North America. Questions of power, authority, and liberty shed light on Georgia features that other explanations do not adequately account for. One modern historian has accurately called the Trust's governmental and economic policies an attempt "to prevent politics" in the young outpost.¹⁶ To maintain their authority and implement their vision for the new settlement, the Georgia Trustees purposely worked to delay the province's social, economic, and political development. The goal was to prevent Georgians from developing the necessary economic and political power to oppose regulations from London. The Trustees strove to create a population dependent upon them for everything. If they allowed Georgia to follow the example of other colonies, it would result in the rise of a colonial power base that could overthrow Trustee authority.

From its birth in 1732 to its rebirth in 1776, Georgia experienced a tension between liberty and authority. America offered settlers the chance to pursue economic, social, and political advancement. Any institution or individual that held too much power over the colony endangered both liberty and opportunity. The greater the authority, the greater the

¹⁶ Gary Livingston Hewitt, "Expansion and Improvement: Land, People and Politics in South Carolina and Georgia, 1690-1745," (Ph.D. Diss., Princeton University, 1996), 225.

threat posed to liberty. Within a decade of Georgia's founding, most residents came to believe that the Trust's absolute power over political and economic life in the province had stripped them of their rightful British liberties. Four decades later, colonists arrived at the same conclusion regarding the King and Parliament. The best guarantee of liberty lay in the acquisition and accumulation of local power. Who more trustworthy to be the guardians of colonial liberties, they reasoned, than the colonists themselves? In the 1740s this led Georgians to push for greater control over their property (particularly land and slaves) and, eventually, for the establishment of a representative assembly. In the 1760s and 1770s, the drive for local authority manifested itself in the Georgia Assembly's usurpation of powers traditionally belonging to Parliament, the King, or the royal governor.

The struggle for local control took place on two levels. First, it involved a contest of ideas: interpretations of the British constitution, discussions over what constituted abuse of authority, and disagreements about the extent and definition of British liberty. On a second, more basic, level it entailed a multitude of squabbles—some obviously important, some seemingly petty—over political power. When added together, these small fights emerge as part of a larger effort to assert what colonial landholders saw as their right: the exercise of political authority. Sometimes participants were conscious of the broader issues involved in a specific controversy. At other times, they cared for little except the immediate material benefits of winning the particular fight at hand. Regardless, the long-term pattern is clear. Despite the efforts of the Georgia Trustees and, later, royal officials, Georgians developed local sources of power at the expense of authorities in England.

Historians frequently describe the Trustees as men drawn from England's elite. Most of the Trustees were educated and financially prosperous, but also decidedly in the second rank of English politics and society. Their names were known to many contemporaries, but they could not be classified as famous or powerful. This implies not a lack of effort or ambition, but a paucity of results. Many of the men who governed early Georgia had reached for the elusive prize of power in England with only modest success. A brief look at the careers of some of the Trust members, including the three most important—James Oglethorpe, Viscount John Percival (later the Earl of Egmont), and James Vernon—demonstrates their place in English society, and their efforts to increase their influence before and after their involvement in Georgia. These were gentlemen of only tangential interest to the Bolingbrokes and Walpoles of the era. They would make themselves essential to Georgia's government.¹⁷

. Oglethorpe is justifiably portrayed as the most important member of the Georgia Trust. Though there is little direct evidence to support the claim, most historians credit Oglethorpe with proposing the new settlement and then recruiting the others into his effort. He was the only Trustee to visit the colony, and his strong personality helped hold the colonists together during the settlement's precarious first few years. Scholars have made thorough studies of Oglethorpe's activities in Georgia, but far less attention has been

¹⁷ Excellent overviews of politics in the era include W. A. Speck, *Stability and Strife: England, 1714-1760* (Cambridge, 1979), Nicholas Rogers, *Whigs and Cities: Popular Politics in the Age of Walpole and Pitt* (Oxford, 1989), Paul Langford, *A Polite and Commercial People: England, 1727-1783* (New York, 1989), and Frank O'Gorman, *The Long Eighteenth Century: British Political and Social History, 1688-1832* (New York, 1977). Linda Colley, *In Defiance of Oligarchy: the Tory Party, 1714-1760* (Cambridge, 1982), covers the era from the point of view shared by Oglethorpe.

paid to the 78 years of his life spent on other pursuits.¹⁸ Oglethorpe was a typically ambitious propertied gentleman of his time: a man constantly conscious of his reputation and position.

In 1722 Oglethorpe, a 25-year-old army veteran, became a Member of Parliament from Haslemere, winning an election marred by allegations of vote fraud. The young Tory quickly displayed his stubborn preoccupation with his personal reputation; he countered verbal insults with his sword, a habit that landed him in jail on at least one occasion.¹⁹ Oglethorpe retained his seat in 1727 and gained some prominence as the chairman of a 1729-1730 Parliamentary investigation into the nation's jails.²⁰ Oglethorpe launched himself into the Georgia project in the early 1730s, fresh from this newfound burst of fame.

However absorbed he became with the colony, Oglethorpe never forgot his place in English society. Residing in Georgia for eight years between 1732 and 1743, and therefore unable to perform his Parliamentary duties, Oglethorpe nevertheless kept his Haslemere seat in the elections of 1734, 1741, and 1747 before losing it in 1754. His clear concern for his political career in England clashes with the traditional scholarly view of a man who devoted his life to Georgia. After leaving the colony permanently in 1743, Oglethorpe spent the remainder of his active years in pursuit of military glory rather than charity. Whenever England went to war he actively sought a command for himself, but

¹⁸ For example, Phinzy Spalding, *Oglethorpe in America* (Chicago, 1977); and Amos Aschbach Ettinger, *James Edward Oglethorpe: Imperial Idealist* (Oxford, 1936).

¹⁹ Ettinger, *James Edward Oglethorpe*, 81-83.

²⁰ Coleman, *Colonial Georgia*, 15.

political enemies often denied his requests. Nevertheless, he fought for the Hanoverian dynasty during the Jacobite Rebellion of 1745, joined Frederick the Great's Prussian army from 1756 to 1759, and advocated armed intervention against the French in Corsica in 1768.²¹ Throughout his life Oglethorpe loved to exercise power, a trait he carried with him during his involvement in the Georgia project. In the words of his chief modern biographer, Oglethorpe was "so jealous of his power that he was reluctant to part with the slightest shred."²²

The second most important Trustee during Georgia's early years was Viscount John Percival, later First Earl of Egmont. Like Oglethorpe, Egmont was a social climber. Born in 1683, Percival was elected to the Irish Parliament at the age of twenty-one. At the same time, he received an appointment to the Irish Privy Council, a prestigious position that he held until his death in 1748. He achieved the Irish noble titles of Baron of Burton in 1715, and Viscount of Kantkurk in 1722. In 1727, he moved from the Irish to the English House of Commons, becoming friendly with First Minister Robert Walpole and his brother Horatio. He frequently called at court to pay his respects to the King and Queen and was among the royal favorites during the last two decades of his life. Egmont reacted severely against any slight to his reputation, particularly any insinuation that his Irish titles were inferior to English ones. In 1733, Egmont became embroiled in a controversy over

²¹ Edward J. Cashin, "James Oglethorpe's Account of the 1745 Escape of the Scots at Shap," *Georgia Historical Quarterly* 76(1992): 87-99; Rodney M. Baine, "James Oglethorpe and the Parliamentary Election of 1754," *Georgia Historical Quarterly* 71(1987): 451-60; Rodney M. Baine and Mary E. Williams, "Oglethorpe's Missing Years," *Georgia Historical Quarterly* 69(1985): 193-210; Richard C. Cole, "James Oglethorpe as Revolutionary Propagandist: The Case of Corsica, 1768," *Georgia Historical Quarterly* 74(1990): 463-74.

²² Spalding, *Oglethorpe in America*, 159.

the proper place of the Irish peerage in the royal procession at the marriage of the Princess Royal to the Prince of Orange. Because of his favor at court, Irish nobles chose Egmont to present their objections to the King.²³ To ensure that posterity did not forget him, Egmont left an extensive diary and journals chronicling in detail his place in English politics and society.²⁴

James Vernon is frequently overlooked in studies of Georgia, but he was one of the most visible and active Trustees. During the twenty year proprietary period, he attended more meetings and served on more committees than any other member of the Georgia board. After Egmont's resignation and Oglethorpe's loss of interest in the mid-1740s, Vernon filled the Trust's leadership void. He sprang from a notable English family. His older brother Edward joined the navy and advanced to the rank of Admiral, and their father had been a Secretary of State during the reign of William III. James began his political career as an envoy to the King of Denmark, and later became a commissioner of the excise.²⁵ When he joined the Georgia project he was clerk of the Privy Council, and perhaps he helped gain royal approval for the planned settlement. These positions gave

²³ Richard A. Roberts ed., *Diary of Viscount Percival, afterwards First Earl of Egmont* (London, 3 vols., 1920-22), 1: 410. (Hereafter *Egmont Diary*)

²⁴ Though there has been no biography written about Egmont, useful accounts include Ruth and Albert Saye, "John Percival, First Earl of Egmont," in Horace Montgomery, ed., *Georgians in Profile: Historical Essays in Honor of Ellis Merton Coulter* (Athens, 1958), 1-16; Betty Wood, "The Earl of Egmont and the Georgia Colony," in Jackson and Spalding, *Forty Years of Diversity*, 80-96; Introduction to Robert G. McPherson, ed., *Journal of the Earl of Egmont: Abstract of the Trustees Proceedings for Establishing the Colony of Georgia* (Athens, Ga., 1962), ix-xxv (Hereafter *Egmont Journal*).

²⁵ James Ross McCain, *Georgia as a Proprietary Province: The Execution of a Trust* (Boston, 1917), 43.

Vernon a modest reputation, but by no means was he among the first rank of England's elite. Perhaps he viewed Georgia as an opportunity for further advancement.

The Trust drew many other ambitious men. The Trustees included members of the nobility such as Egmont and the Earl of Shaftesbury, a descendent of one of the Carolina proprietors.²⁶ In the twenty years of its existence, the Trust boasted four Earls, one Viscount, six Barons, seven Baronets, and three Knights of the realm. Nearly three out of every ten Trustees either inherited or achieved a title in his lifetime. In addition, the Georgia project drew interest from Parliamentary politicians. House of Commons member Henry Archer had intimate ties to leading minister Robert Walpole, as did his fellow Parliamentary Trustee Thomas Tower.²⁷ Overall, 44 of the 71 Trustees elected between 1732 and 1752 held seats in the House of Commons at one time or another, and five others sat in the House of Lords.

In addition to attracting aristocrats and aspiring politicians, the Georgia Trust drew from England's religious and cultural elite. Coram (who had colonial ambitions of his own) was an active member of numerous religious and benevolent associations in England. Although just a clerk in the South Sea House at the time of his selection, Adam Anderson later achieved a measure of literary fame for his massive history of commerce published in 1764.²⁸ However, just because these men were not active politicians did not mean they

²⁶ Ibid., 51-52

²⁷ Romney Sedgewick, *The House of Commons, 1715-1754: a History of Parliament* (Oxford, 1970), 2: 419, 470

²⁸ Sir Leslie Stephen and Sir Sidney Lee, ed., *Dictionary of National Biography* (London, 1949-50), 3: 371. (Hereafter *DNB*)

were oblivious to their position in society. Reverend Richard Bundy gained a reputation in his life less for his godliness than for his “assiduous attendance at court.”²⁹ Stephen Hales, an eminent scientist, naturalist, minister, and Fellow of the Royal Society, was also closely associated with the royal family.³⁰

Such men sought opportunities for advancement, and Georgia offered exactly that. It would allow men on the margins of the English power structure to build their own political system with themselves at its head. Men concerned with personal rank and power at home would naturally wish to maintain complete control over *their* colony. Here was their opportunity to govern, and they did not intend to share authority with anyone else. A concern over political power provides just as logical an explanation for the Georgia Trust’s authoritarian government as do charity, mercantilism, or military defense.

The Georgia colonial charter contains the unusual provision that no Trustee could directly or indirectly take “any salary, fee, perquisite, benefit or profit whatsoever” from his involvement. Scholars often point to this as proof of the Trust’s disinterested self-sacrifice. Why should prominent men offer their labor for no gain except out of compassion for the unfortunate? Yet the Georgia project could and did benefit the corporation members. Men wishing to climb from the second to first rank of English

²⁹ Ibid., 1: 268.

³⁰ McCain, *Georgia as A Proprietary Province*, 50.

society saw the possibilities in joining a public endeavor of great importance to the Commonwealth.³¹ Involvement could bring prominence, and that in turn advancement.

At the very least, the Georgia Trustees by adopting a ban on profiting from the colony set themselves up for public praise of their self-sacrifice, benevolence, and virtue. The Trustees themselves took the lead in public commendation of the Georgia project in their promotional literature. Tapping into the contemporary obsession with the ancient classical world, the Trustees drew comparisons between their effort and similar ones in the distant past.³² One of the earliest promotional works, *Some Account of the Designs of the Trustees for Establishing the Colony of Georgia in America* (1732) compared the current undertaking to the ancient model of colonization, pointing out that “the Romans esteemed the sending forth of Colonies amongst their noblest Works.”³³ Another 1732 pamphlet consisted of a compilation of writings from ancient and modern essayists about the importance of planting new settlements. In the work, an excerpt from Livy states that “they who have laid the Foundations of any Kingdom or City” are second only to establishers of religion amongst those most worthy of admiration.³⁴ That same year, Oglethorpe drew comparisons between the Trustees and Jesus Christ. By surrendering

³¹ Adrian Wilson, “Conflict, Consensus, and Charity: Politics and the Provincial Voluntary Hospitals in the Eighteenth Century,” *English Historical Review* 111(1996): 599-619 demonstrates the ways in which contemporary politicians could use charitable projects for their own advancement.

³² On classical influences in England, see Philip J. Ayers, *Classical Culture and the Idea of Rome in Eighteenth-Century England* (New York, 1997); and Philip Stephen Hicks, *Neoclassical History and English Culture: from Clarendon to Hume* (New York, 1996). On classical education in early America, consult Richard Beale Davis, *Intellectual Life in the Colonial South, 1585-1763* 3 vols. (Knoxville, 1978).

³³ [Anonymous], *Some Account of the Designs of the Trustees for Establishing the Colony of Georgia in America* (1732), in Reese, *Most Delightful Country*, 69.

³⁴ [Anonymous], *Select Tracts Relating to Colonies* (1732), in Reese, *Most Delightful Country*, 88.

“that Ease and Indolence to which they were entitled by their Fortunes” and establishing Georgia, the gentlemen imitated their savior. Just as Christ sacrificed himself “to save Multitudes of his living Images from Perdition,” the Trustees sacrificed themselves to save multitudes of their countrymen from poverty.³⁵

During Georgia’s first few years, the self-promotion paid off. Public acclaim flowed in through letters, newspaper articles, magazine pieces, and even poetry. Amateur poets composed (often badly) tributes to the Trust’s “glowing purpose,” and implied heavenly approval for the Georgia project through “Guardian Angels.” Another amateur bard’s muse suggested verse such as “When Acts so amiably great inspire, ‘Tis Praise to love, and Merit to admire.”³⁶ Georgia and her founders were celebrated in the British commonwealth’s elite circles.

Undoubtedly, the task for some of the men became how to transform fleeting praise into lasting gain. Two—Egmont and Oglethorpe—had notable success. Egmont had steadily climbed the ranks of the Irish peerage and was a Viscount at the time of Georgia’s founding. He was also arguably the most prominent of the Trust members in 1732, and therefore widely viewed as the venture’s first leader. During this time, Egmont received greater attention from both King and Queen at the royal court, being spoken to more frequently than Earls and Dukes. Deciding to use this heightened attention to achieve higher rank, he suggested that an Earldom would better reflect his service to the Crown.

³⁵ James Oglethorpe, *A New and Accurate Account of the Provinces of South Carolina and Georgia* (1732), in Reese, *Most Delightful Country*, 118.

³⁶ Hennig Cohen, “Two Poems from English Magazines on the Naming of Georgia,” *Georgia Historical Quarterly* 35(1951): 322; Hennig Cohen, “Two Colonial Poems on the Settling of Georgia,” *Georgia Historical Quarterly* 37(1953): 132. See also Richard C. Boys, “General Oglethorpe and the Muses,” *Georgia Historical Quarterly* 31(1947): 19-29.

In 1733, the King granted his wish and named him the first Earl of Egmont. Without his involvement in Georgia, his quest for higher title might have taken years longer.

Oglethorpe had spent many of his early years serving in the army and wishing that he, not others, commanded armies in battle. Georgia presented him an ideal opportunity to fulfill his dreams for military glory. The settlement would be under constant threat of attack from both French and Spanish forces. Seeing this, Oglethorpe did not hesitate in volunteering to accompany the settlers over to the New World. Constant fears of invasion finally gave Oglethorpe one of his wishes in 1738—command of his own regular army regiment. Since he was thousands of miles away from his superiors in England, it amounted to command of an army, albeit a small one. Oglethorpe used this force to inflict a surprising defeat on a numerically superior Spanish army at the Battle of Bloody Marsh in 1742. This established Oglethorpe's military reputation for the remainder of his life. Not even a 1746 court martial (which ended in his acquittal) could diminish his luster as a military figure. A year after his trial he achieved the rank of Lieutenant General.³⁷

Other Trustees had minor, yet still visible, successes in climbing the ranks of wealth and power. Minister Samuel Smith wanted a prestigious clerical position in or near London, and in 1734 used his involvement in the Trust to convince his fellows to lobby on his behalf.³⁸ After his appointment to the Georgia board, churchman Richard Bundy

³⁷ Edward J. Cashin, "Escape of the Scots at Shap," 98.

³⁸ Allen D. Candler and Lucian L. Knight, ed., *The Colonial Records of the State of Georgia*, 26 volumes (Atlanta, 1904-16), 2: 60. Volumes 20, 27-29 ed. Kenneth Coleman and Milton Ready (Athens, Ga., 1982-85); Volumes 30-32 ed. Kenneth Coleman (Athens, Ga., 1985-89). (Hereafter *CRG*)

successfully pressed for a comfortable position in London and a “rich living.”³⁹ William Heathcote, a House of Commons member, was created as Baronet in 1733, shortly after being named to the Trust. Already wealthy at the time of his selection to the Georgia Board, George Heathcote used the visibility of the Georgia project to launch his successful bid to win election as a London alderman. Lawyer Rogers Holland was appointed a judge in 1737, precisely the time when British public and governmental enthusiasm for Georgia was near its highest. While it might be an exaggeration to claim that these advances were solely a result of Georgia’s launching, the timing suggests that the men’s raised public profiles contributed to their good fortunes.⁴⁰

The Trustees came from similar backgrounds, and many of them had previous business, political, or charitable connections with each other. Two major organizations in particular gave Georgia’s founders close personal ties: the previously mentioned Parliamentary investigation into England’s jails, and the charitable group The Associates of Dr. Bray. Oglethorpe’s 1729 jail committee contained ten members of Parliament later named as original Trustees in the Georgia Charter, including Oglethorpe, Egmont, Tower, Holland, and George Heathcote.⁴¹ Even closer are the connections between the Bray Associates and the Georgia Trustee group. A prominent philanthropist and advocate of establishing charitable colonies to help England’s indebted poor, Dr. Thomas Bray formed an association in January 1724 to administer a charitable legacy of £900. He appointed

³⁹ *DNB*, 3: 268.

⁴⁰ *Ibid.*, 3: 121-22, 124-25, 145.

⁴¹ Saye, “Genesis of Georgia,” 202.

Egmont (then Viscount Percival), Stephen Hales, William Belitha, and Robert Hales (brother of Stephen). Egmont, Belitha, and Stephen Hales all later became Georgia Trustees. Here began the first firm ties between Bray and the men who became Georgia's founders.⁴²

The men grew nearer to each other when Bray developed an interest in prison conditions at exactly the same time as Oglethorpe's investigation. In late 1729 and early 1730, Oglethorpe and Bray discovered their mutual pursuits. By this time deathly ill, Bray wanted to expand the Bray Associates membership and put the organization on a more secure footing. Oglethorpe and a circle of his friends were seeking an established charitable organization that could help finance a new American colony. Seeing the benefits of working together instead of separately, the two decided to join forces. Bray in January 1730 drew up a new document naming a large number of new Associates to supplement the original four. The names of Oglethorpe, Vernon, and sixteen other future Georgia Trustees joined Egmont, Hales, and Belitha in Bray's organization. When Bray died just one month after this enlargement, Oglethorpe became chairman. Leadership of the group fell to the men who would become the first Georgia Trustees.⁴³ By the end of 1730, the Bray Associates contained all of the original Georgia Trustees.

At their first meeting in March 1730, the newly expanded Bray Associates set themselves three goals: the establishment of parochial libraries, the religious conversion of

⁴² Introduction to John C. Van Horne, ed., *Religious Philanthropy and Colonial Slavery: the American Correspondence of the Associates of Dr. Bray, 1717-1777* (Urbana, Ill., 1985), 5.

⁴³ Ibid., 9-11.

slaves, and the founding of a charitable colony.⁴⁴ From the beginning, the push for a colony took top priority. In February, Oglethorpe met Egmont on the floor of the House of Commons and discussed their plans. Oglethorpe's idea was to "procure a quantity of acres either from the Government or by gift or purchase in the West Indies," and there plant a colony populated by a "hundred miserable wretches" set free from England's prison during the Jails committee investigation. There they would labor for the betterment of England, producing raw materials for the mother country. Oglethorpe had even gotten informal approval of the scheme from the Speaker of the House and other leading members. Egmont, too, now added his support.⁴⁵

Oglethorpe then took his plan to the Bray Associates as a whole. On March 21, they voted to petition for a new colony, and soon named Oglethorpe the leader of the effort.⁴⁶ The next stage proved more difficult. The men now had to choose a location and secure royal approval. Throughout the early months, the general place mentioned was the West Indies. By June, they had settled on "the River Savana that bounds the north side of Carolina."⁴⁷ In July 1730, Vernon drafted a petition to the Crown for a grant of land near South Carolina and the Bray Associates quickly voted to approve and sign it. Confident

⁴⁴ Ibid., 12. The twenty-one Associates who signed the petition to the King were named in the Georgia Charter as Trustees.

⁴⁵ *Egmont Diary*, 1: 45-46.

⁴⁶ Kenneth Coleman, "The Founding of Georgia," in Jackson and Spalding, *Forty Years of Diversity*, 8.

⁴⁷ John Perceval to William Byrd, 28 December 1730, in Marion Tinling, ed., *The Correspondence of the Three William Byrds of Westover, Virginia, 1684-1776* (Charlottesville, Va., 1977), 439 (hereafter *Correspondence of the Three William Byrds*); *Egmont Diary*, 1: 98.

that their effort would succeed, the men voted to begin soliciting money to fund their colony.⁴⁸

The men's attentions were now focused almost exclusively on the colonial mission. When they gathered during 1732 and 1733, they conducted meetings as the "Trustees for Establishing the Colony of Georgia in America," no longer as the "Associates of Dr. Bray." When the two organizations formally split from each other in 1733, it merely made the existing situation official. By the time the Georgia charter received royal approval in 1732, the Trustees were no longer a charitable society. They had evolved beyond the Bray Associates, and the Trustees wanted to establish firmly their separate identity.

Throughout the process of negotiating the terms of their charter, the Trustees remained sensitive to issues of power and authority. The Trustees desired total control over their project. Their authority in the province would face threats from three directions: South Carolina, the Crown, and colonists in Georgia. A carefully crafted charter could help lessen the danger. Realizing that the charter could make or break the future of Georgia, therefore, the Trustees at every turn pushed, pulled, persuaded, begged, and protested to get the desired document. The charter process took nearly two years to complete.

The Privy Council passed the petition on to the Board of Trade for consideration in November 1730, when Oglethorpe and other Associates attended meetings and answered questions about their proposal. The Board of Trade issued an endorsement the following month. This was the first and perhaps most difficult obstacle the Trustees successfully overcame. Many of the earlier Georgia proposals had died after failing to gain the Board

⁴⁸ *Egmont Diary*, 1: 99; Coleman, "The Founding of Georgia," 8.

of Trade's official approval. If the Privy Council and King accepted the Board's recommendation, the petitioners would receive a large grant of land, and full governmental rights over it.⁴⁹

The next difficulty came not from the Crown, but from within the Associates' own ranks. Several of the petitioners held seats in the House of Commons and now expressed concerns over their political future. Would acceptance of government of the colony require vacating their Parliamentary seats? A few proposed that they informally ask the House for its opinion on the matter. Others felt such a measure insufficient and wanted an official Act of Parliament guaranteeing them the right to continue to sit in the Commons. Eventually the legal question was settled to the satisfaction of all who wished to keep their House seats, but the episode demonstrates that a number of the future Trustees were unwilling to endanger what influence they held in England for the promise of power over a distant colony.⁵⁰

With internal concerns smoothed and government approval, the petitioners readied themselves for the long, arduous road ahead. Of particular concern to the petitioners over the next months and years was the preservation of their authority. They strove to limit the King's power over them, and lobbied for complete political independence from South Carolina's government.

The petitioners urged that the Trust should have the full power to make and approve laws as well as appoint all government officials. To their displeasure, the initial

⁴⁹ A&WI, 1730, 357-58, 394-97; *Egmont Diary*, 1: 127.

⁵⁰ *Egmont Diary*, 1: 128-29.

recommendations from the Board of Trade gave the King a very broad role in Georgia's political system. The Trustees would get full land rights in perpetuity, but the Crown wished to preserve its power over colonial governments. Therefore, the Board of Trade suggested that the King choose all civilian and military officials in Georgia from lists of nominees drawn up by the Trustees. The Trust could choose the governor, but their choice was subject to royal approval. Further, the King retained the right to veto any law he deemed unwise or unconstitutional.

The Trustees, in response, strenuously argued that they should have full powers of appointment and removal. This time the Board of Trade acceded to the demand, but only after making it clear that these powers applied only in Georgia's case and did not set a precedent for any other colony. After this dispute over the extent of their grant of authority, the colonizers felt the need to better organize their lobbying efforts.

Accordingly, in January 1731, ten of the Bray Associates, including Oglethorpe, Egmont, and Vernon, formed a committee to negotiate the most beneficial terms possible from the government.⁵¹

On 17 June 1731, the Associates met to discuss the charter's progress. They dissected a recent draft and disagreed with a provision requiring the election of new Trustees every three years. The petitioners protested that the Crown's goal was to "take the power out of our hands, and put it into new ones." They also objected to a clause appointing the governor of South Carolina as commander of the new colony's militia. The Trustees worried about possible domination by South Carolina. The Trustees knew from the

⁵¹ *A&WI, 1730*, 381-82, 394-97; *A&WI, 1731*, 3-4, 12-13.

beginning that they would become instant rivals of ambitious Carolina planters who saw the potential for rice cultivation along Georgia's sea coast. If the Trust did not closely guard its autonomy and authority, "the Carolina people would buy and make themselves Masters of the Province."⁵² Power over the militia would give South Carolina's government a foothold in Georgia. If relations between the two colonies soured—a very real possibility—a South Carolina governor could use his militia powers to "at his pleasure . . . distress our people." Finally, the petitioners opposed language allowing the King to levy a duty on the colony's trade. Overall, they judged this version of the charter utterly unacceptable.⁵³

In September 1731, the men pushing the colony met again to discuss the charter draft. They remained dissatisfied with the proposed document and "took notes of several objections thereto . . . which are to be reduced into writing and given to the Attorney General." In particular, they claimed that it granted Carolina too much influence in Georgia and repeated their "desire to be independent of the governor of South Carolina." They maintained that to require a regular rotation of trust members would remove them from office in a few years and "throw the management into the hands of corrupt men." Finally, they suggested that Egmont be written into the charter as the corporation's first President, an honor befitting his position as the most prominent and influential member of the Associates. With this list in hand, the Attorney General returned to his task and incorporated some of the petitioners' suggestions. On 19 January 1732, the Privy Council

⁵² *CRG*, 5: 380.

⁵³ *Egmont Diary*, 1: 193.

met and approved the altered charter. Though not entirely satisfied with the final document, the Trustees too gave their assent. They were undoubtedly pleased to see their proposed colony come closer to reality.⁵⁴

One final hurdle remained—the King must read and sign the document. Though the King had expressed his informal approval of the Georgia charter just days after the Privy Council’s decision, week upon week passed with no royal action. By mid-February, the Trustees grew disgusted. Some members spoke of giving up on Georgia entirely as the long delay reflected badly on them. Egmont complained to Horatio Walpole that the petitioners would not beg for approval of a project so obviously beneficial to England. Rather, the government should beg the Trustees to do it. The Georgia gentlemen, Egmont said, could only assume that the King distrusted their honor and held “a suspicion we should abuse our trust.”⁵⁵

In truth, King George II did have grave reservations about the charter and the generous grants of power given to the Trustees. In particular, he did not want to allow the Trustees to nominate and select militia officers. He preferred to reserve that right for himself. Accordingly, the King proposed that the royal governor of South Carolina receive the power to name inferior officers for Georgia’s militia. Since South Carolina’s governor was obligated to follow royal instructions, this effectively would have placed Georgia’s military officials under Crown control. When informed of the King’s

⁵⁴ Ibid, 1: 193, 204, 209, 216-17.

⁵⁵ Ibid., 1: 223.

suggestion, Egmont rushed to the House of Commons and gathered what Trustees he could find there to formulate a reply.

The Georgia leaders gently expressed their outrage over the King's proposed change. First, they pointed out, he had already indicated his approval of the charter, and had never previously raised this objection. To do so at this late stage was a great injustice to the colony's supporters. Second, they argued that in the early years of Georgia a person of necessity might hold two offices—one civil, one military—and under the King's proposal would serve two masters: the Trustees in the civil sphere and the King in the military. Third, placing the power of militia appointment in the Carolina governor's hands would increase South Carolina's power in Georgia to the detriment of the Trust. For these reasons, the petitioners vehemently rejected the new royal conditions. Egmont threatened to resign entirely from the project should the King continue to withhold his signature. Finally, in April 1732, the King agreed to the charter as passed by the Privy Council.⁵⁶

The government issued the final version of the Georgia charter on 9 June 1732.⁵⁷ The document created "The Trustees for Establishing the Colony of Georgia in America," and established Georgia as an "independent and separate province," not bound by the orders of South Carolina's governor, court, or legislature. According to the grant, Georgia consisted of the land between the Savannah and Altamaha Rivers extending from the Atlantic Ocean to the Pacific. Twenty-one original Trustees appear by name and were authorized to expand their ranks as they saw fit in annual elections held each March. They

⁵⁶ Ibid., 1: 226-27, 231, 232, 235, 260.

⁵⁷ For the text of the charter, see *CRG*, 1: 11-26.

received full control over all the land forever and political authority for a term of twenty-one years. The charter limited individual land grants to no more than 500 acres, presumably to prevent the best lands from falling into just a few hands. Beginning in 1742, the Trustees would owe the Crown a yearly quitrent for each acre they granted. Beyond a restriction that no Trustee could receive a personal land grant in Georgia, the charter offered no rules as to how the Trustees would dispose of the colony's lands. The lack of royal directions gave the Trustees leeway to establish their own restrictive policies.

The Trust itself split into two bodies: the general corporation and smaller Common Council, which met separately. The Council served as a deliberative body that formulated major policies for submission to the general corporation for their approval or rejection. It had the power to nominate officials, grant land, and expend Georgia's revenues. The Council also often received correspondence and drafted official replies. Every Trustee chosen at the annual meeting became a member of the general corporation, but not every one sat on the more influential Common Council. The charter named nine members to the Council and specified that they could expand their ranks to twenty-four.

As concerned as most Trustees were with issues of personal power and honor, they took great care that no single individual appeared to be the organization's leader. They spread power evenly within both the Common Council and the general corporation. Though Egmont was named the first President of the Corporation (the presiding officer of the periodic meetings), the charter specified that the position rotate to a different person at every meeting. The Crown likewise appointed Edward Digby as Chairman of the Common Council for the first gathering only, with the Chairmanship passing to other men on subsequent occasions. No one could serve as President or Chairman at consecutive

meetings. This careful arrangement for power sharing explains why several Trustees expressed jealousy and resentment over Oglethorpe's unauthorized exercise of power in Georgia during the late 1730s and 1740s.

The charter gave the Trustees virtually full political control over the colony. They had the right to establish judicial courts that could try civil and criminal cases and hand out punishments ranging from minor fines to death sentences. The Trust could implement whatever "by-laws, constitutions, orders and ordinances" it felt necessary or convenient "for the well ordering and governing of the said corporation," so long as the measures did not violate British law. Having won their struggle over appointment powers, the final charter allowed the Trustees, not the King, to choose Georgia's civilian and military officials, with the exception that South Carolina's governor served as commander-in-chief of the new province's militia. The Trustees, then, gained much of the broad grant of authority they desired.

The Crown did create a number of limitations to maintain the monarch's interests. The most significant was that the political power given to the Trustees by the charter lasted for only twenty-one years. After 1753, the Trust could keep its land rights in Georgia, but the government would revert to full royal control. In addition, while the Trust could appoint most officials of its choice, appointees to the position of governor needed the King's approval. The King also retained the right to appoint customs officers to collect duties and enforce trade laws. The charter required the Trustees to submit to the Crown a detailed report each year accounting for all of the corporation's revenues and expenditures. Finally, any "laws, statutes, and ordinances" formulated for Georgia could not take effect until approved by the Privy Council.

The Crown built in protections not only for royal power, but for the liberties of the settlers as well. Recognizing that the charter essentially placed citizens at the Trust's mercy, the government specified that all religious denominations other than Catholics had full freedom of conscience in the colony. Further, the King guaranteed to every Georgia resident "all liberties, franchises, and immunities of free denizens and natural born subjects" enjoyed by British citizens everywhere in the empire.

One question the charter did not address was funding for the colony. The need for money offers yet another explanation for the Trustees' ban on receiving profits. The Trust members knew they could not obtain sufficient funds from merchants and charities to finance a colony. Though individually and collectively wealthy, they did not wish to risk their personal fortunes. That left one logical option—applying to the government for money. The early Georgia promotional literature began the effort by outlining numerous reasons "why the Commons of Great Britain . . . might apply a large Sum of publick Money to this Occasion," including the fact that the noble Romans, so often emulated in 18th century England, had thought colonies vital enough that "the Expence was defrayed out of the public Treasury."⁵⁸

Since most of the original Trustees held seats in the House of Commons, they were well aware of Parliament's potential to aid their project. Their first official application to the government came on 5 May 1732 when Parliamentary Trustees requested £10,000 for use in Georgia's settlement. The speed with which they applied for money—just days after the King signed the charter and a full month before it became official—suggests that

⁵⁸ Oglethorpe, *A New and Accurate Account*, 142; *Some Account of the Designs*, 70.

the Trustees intended from the beginning to fund at least partially colonization through public money. Since previous private colonization efforts intended to make their proprietors richer, they had gained no Parliamentary support. The Trustees wanted the Commons to take unprecedented action, and a charter clause denying the corporation members any direct profit proved vital in undercutting opposition to their lobbying efforts. The strategy was an immense success. In a twenty year period, Parliament spent about £236,00 on Georgia's civil and military needs. That represents over ninety percent of the colony's financial support.⁵⁹

Now that the Trustees held a charter and had located a source of money, two major questions remained. What type of colony should Georgia be? How could it best be governed? To publicize their answers, the Trust commissioned and published numerous pamphlets for popular consumption. In this material, they began by offering their opinion as to why colonies had struggled in the past. The chief reason suggested was that those colonies allowing their inhabitants too much liberty, too much autonomy, and too much authority became failures. In all cases, they presented South Carolina as the primary example of a colonial effort gone terribly wrong. To the Trustees, it served as an anti-model.

The Carolina Proprietors had implemented for their settlement an elaborate and, inhabitants argued, unrealistic Constitution drafted by the philosopher John Locke. In the early 18th century, South Carolina broke away from the authority of its proprietors. Its

⁵⁹ On Georgia's revenues and expenditures, see Richard S. Dunn, "The Trustees and the House of Commons, 1732-1752," *William and Mary Quarterly* 3rd series 11(1954): 551-65; H.B. Fant, "Financing the Colonization of Georgia," *Georgia Historical Quarterly* 20(1936): 1-29; and Paul S. Taylor, "Colonizing Georgia 1732-1752, a Statistical Note," *William and Mary Quarterly* 3rd series 22(1965): 119-27.

political system was now dominated by large colonial landholders, and it enjoyed a booming economy based on plantation agriculture. In the decade leading up to Georgia's founding, rice cultivation had brought prosperity to Carolina planters. Carolinians attributed their good fortune to the overthrow of the Proprietors. Oglethorpe and the Georgia Trustees, though, thought Carolina lucky to survive at all without the guiding hand of its Proprietors.

The earliest written Georgia material was *Some Account of the Designs of the Trustees for establishing Colonys in America*, prepared in 1730-1731, and attributed to James Oglethorpe. Though never published, the tract serves to illustrate some of the early thoughts of the Trustees regarding South Carolina. South Carolinians and most in the British Atlantic world judged Carolina a success. The Trustees did not, viewing Carolina as the direct opposite of what their colony should be. In *Colonys in America*, Oglethorpe credited South Carolina's founders with turning unused woodlands into a settlement with "considerable Trade and one beautiful Town." The colony accomplished this while still under the guidance of Lord Shaftesbury, one of Carolina's original proprietors. Progress ceased, though, when Carolina colonists asserted their right to govern themselves. Oglethorpe argued that when the "unhappy division between Proprietors and People" ended in victory for Carolina's native elite, it caused "all other improvements to be neglected." In addition, he blamed the misbehavior of Carolina Indian traders, no longer bound by wise proprietary regulations, for igniting an Indian war that "almost destroyed the whole Plantation."⁶⁰

⁶⁰ James Oglethorpe, *Some Account of the Design of the Trustees for establishing Colonys in America* (1732), ed. Rodney M. Baine and Phinzy Spalding (Athens, Ga., 1990), 14-15, 22.

Now, according to Oglethorpe, Carolina was directionless and corrupt. Merchants, slavers, and planters endlessly jockeyed for social status and political power with no concern for anything other than personal gain. The implication of Oglethorpe's example is clear—a colony will thrive so long as authority over it resides in the hands of wise gentlemen in England rather than colonists in America. *Colonys in America* elaborated a plan that would allow Georgia to develop and maintain prosperity by keeping all authority in the hands of the Trustees. They would not repeat the Carolina mistake of letting colonists decide their own future.

South Carolina again served Oglethorpe as a negative example in a 1732 publication entitled *A New and Accurate Account of the Provinces of South Carolina and Georgia*. He began the pamphlet with an introduction comparing the value of two recent histories of South Carolina: John Archdale's *New Description of South Carolina* and Thomas Nairne's *Letter from South Carolina*. Both had been republished in 1730.⁶¹ Archdale, a former governor of the province, portrayed the proprietors in a positive light while Nairne sided with the planters in their power struggle against proprietary rule. Though Oglethorpe claimed that he presented impartial examination of the works, his bias comes through clearly. Archdale is described using terms such as "undoubted credit," "just and accurate," and "remarkable Integrity." Nairne's publication is dismissed as a "fawningly Partial" document filled with "Crudities." South Carolina planters get much worse identifiers. Their actions in the colonial legislature were "improvident," "wretched,"

⁶¹ Hewitt, "Expansion and Improvement," 216.

“profligate.” Obviously, Oglethorpe believed that granting authority to provincial gentry would lead to utter disaster.

Oglethorpe praised the “very promising Beginning” that the Lords Proprietors of Carolina achieved through their “wholesome Regulations.” The settlers, though, rejected these laws and instead “grew unruly and quarreled about Religion and Politicks,” eventually plunging the colony into anarchy. They undermined and attacked the authority of the proprietors so frequently and successfully that it ended with the British Crown removing the Proprietors’ privileges and powers. According to Oglethorpe, the result was government policies so unwise and destructive, it was as if planters “had conspir’d against the Growth of the Colony.” The problem, the reader was left to conclude, was that colonists had been allowed to seize too much authority for themselves.⁶²

Though not the only theme present in early Georgia promotional writings, this concern over the maintenance of authority was widespread. Trustee Secretary Benjamin Martyn, in *Reasons for Establishing the Colony of Georgia* (1733), addressed the objection raised by many that “Our Colonies may in Time grow too great for us, and throw off their Dependency.” The worry, as Martyn and the Trustees understood it, was that the colonists “may form themselves into a Government of their own.” Martyn argued that Georgians would mount no such threat as long as their liberties under the British Constitution were preserved. In a thinly disguised criticism of South Carolina, Martyn concluded that while this objection might apply to “some of our other Colonies,” it could

⁶² James Oglethorpe, *A New and Accurate Account*, 115-116, 121-22.

not possibly apply to the present since Georgia's plan would make the colonists "absolutely dependent on us."⁶³

With this principle firmly in mind, the Trust learned to evade the charter limitations placed on it and to expand its power. The most significant development came in the form of a misinterpretation of the corporation's authority to control its members. The charter stated that they had the right to issue bylaws and ordinances for the governing of the "corporation." By this, the Crown almost certainly meant that the Trust could establish essential procedures to regulate its membership and make meetings more orderly. The Trustees, though, read it as a blanket authorization to issue rules, ordinances, and orders regulating all aspects of the colony and colonists. Their generous interpretation allowed the Trustees to exercise legislative power with little royal interference. These orders had the force of law in Georgia, and provincial courts punished those who violated their terms. However, since they were not technically "laws" or "statutes," they did not need the King's approval. During the entire twenty year span of Trust control, they passed only three laws for the colony. The corporation violated the spirit—if not the text—of the charter to such an extent that English leaders soon grew uncomfortable. According to Egmont, the Trustees' liberal interpretation of their authority led to government complaints that the "charter gives us too much power, and makes us Independent of the Crown."⁶⁴

⁶³ Benjamin Martyn, *Reasons for Establishing the Colony of Georgia* (1733) in Reese, *Most Delightful Country*, 169-70.

⁶⁴ *Egmont Journal*, 170.

In the appointment of officials, too, the Trustees strove to maximize their authority while minimizing the influence of potential rivals. The charter specified that Georgia's governor needed royal approval before assuming office. As governor, he then would have to obey any Parliamentary or royal instructions sent to him regarding trade and navigation. Since the Trustees had no desire to create a powerful individual beholden to masters other than themselves, they never appointed a governor. For the first eleven years, Georgia had no official central authority. The Trust retained executive powers in England, and what authority they delegated was for very clearly outlined and specific tasks. When they finally appointed a chief executive for the entire colony in 1743, the Trustees gave him the title of "President" instead of "governor," therefore bypassing the need to seek royal approval.

The Trustees anticipated three possible threats to their authority: the King, South Carolinians, and the development of a Georgia gentry. The charter made them largely immune to royal pressure. It also specified that South Carolina had no right to legislate for Georgia. These provisions offered some security, but did not fully satisfy the Trust. If South Carolina merchants and traders had unfettered access to Georgia's economy, they might dominate the new colony's economy. If Georgia citizens acquired wealth and influence, they too could threaten the Trust's power. Therefore the Trust took several measures to prevent the growth of a colonial elite: granting few powers to provincial officials, appointing officers for their perceived loyalty rather than their qualifications, retaining ultimate judicial power in Trust hands, rejecting a colonial legislature, and installing strict regulations on property.

The civil appointments made in Georgia spread a small amount of power thinly among a number of officeholders. Initially, only municipal level governments were erected, and

these performed judicial functions, not executive or legislative duties. Savannah and Frederica each had three bailiffs who acted as judges in civil and criminal courts. Beneath them served two constables in charge of apprehending and holding lawbreakers. The major towns had several tythingmen to better regulate town guard duties and militia drills. The Trustees also set up the positions of recorder, whose tasks included administering oaths and keeping court records, and conservators of the peace who acted much like constables. When new towns began to spring up in the late 1730s and 1740s, the Trust merely extended the jurisdiction of existing municipal officials in Savannah or Frederica rather than create additional governments. No town had a mayor or aldermen. No person in Georgia could claim to be the head of the entire province.

Two types of colonists settled Georgia. Impoverished “charity” settlers had their way paid by the Trustees. “Adventurers” were those wealthy enough to pay their own transportation costs. When choosing colonial officials, Trustees typically drew them from the ranks of the charity colonists. Since these men felt indebted both personally and financially to the Trust, the corporation had significant leverage to control them. Adventurers might prove too independent-minded to serve the corporation’s needs. It was far easier to name submissive men from the start than to go through the trouble of dismissing disobedient magistrates.

The choice of charity colonists for significant government positions generated protests very early in Georgia’s existence. Emigrants from England carried with them to the New World a range of ideas and expectations about society. Among these was the assumption that men of proper rank, education, and training should occupy important offices. As one magistrate explained:

The government of ovr new settlement being thus modell'd, wee were now to act in a sphere different from anything we hade ever appear'd in before, the nature of which wee were but too little acquainted with; and I cannot help saying not suffitiently qualified for offices of so great power and trust, as the disposall of such a number of people libertyes and properties, and even their lives. . .⁶⁵

As early as the first year after settlement, Georgians wrote to London frequently about unclear grants of authority, unqualified officeholders, and widespread abuses of power. A 1734 letter described punishments in Savannah “so shocking even to disgust the Neighbouring Provinces,” including whipping, ducking (repeatedly plunging a person underwater), and keeping people in stocks for hours in poor weather.⁶⁶ Such punishments, though, apparently fit in with the Trustees’ wishes. Early in 1734, they had written to the Savannah magistrates that “a foolish Tenderness is the greatest of Cruelties . . . if that kind of Spirit should continue of not punishing the guilty, You will destroy yourselves.” The Trust considered protestors to be ungrateful and mutinous rabble, and harsh penalties were justified if they served to preserve order and authority in Georgia. As they warned one Savannah resident in early 1735, “if they hear of Your opposing the Magistrates, or disturbing them in the Execution of their respective Offices, the Trustees will certainly resent it and will take proper measures to punish all such as shall give an Example of Disobedience.”⁶⁷

⁶⁵ E. Merton Coulter, ed., *The Journal of Peter Gordon, 1732-1735* (Athens, Ga., 1963), 49-50.

⁶⁶ Mr. Thomas Christie to Mr. Oglethorpe, 14 December 1734, Egmont Manuscripts, Phillips Collection, Hargrett Rare Book Library, University of Georgia, 14200 part 1: 157. (Hereafter Egmont MSS).

⁶⁷ Instructions relating to Mr. Watson’s Case, 17 March 1734, *ibid.*, 14207: 70; Mr. Martyn to Mr. Elisha Dobree, 15 May 1735, *ibid.*, 14207: 178.

Adding to the discontent of Georgia settlers was the lack of any formal method to appeal magistrates' rulings. The only option was to complain directly to the Trustees and risk being branded "as a turbulent and restless people."⁶⁸ In this regard, the Trust deviated sharply from the plan set forward by Montgomery two decades previous. Montgomery had stated that any decision he made could be appealed to the Attorney General and Solicitor General in London, and he would abide by their recommendations.⁶⁹ The Trustees recognized no such superior authority. In their opinion, all appeals began and ended with the corporation. Georgians grumbled at what they saw as an arbitrary justice system that deprived them of due process. After receiving a curt note implying that he had misused Trust funds, Reverend John Wesley demanded that the trust allow him "the justice due to a common criminal, the knowing my accuser . . . and the being heard before I am condemned."⁷⁰

The lack of an established channel of appeal gave settlers only one option if the Trustees rejected their plea. They could petition for the involvement of the British government in legal disputes. However, this could prove both costly and time consuming. Only once in the 1730s did a colonist seek English government intervention in a legal matter. In 1734, Joseph Watson was found guilty of killing an Indian and, by order of the Trustees, confined indefinitely on grounds of insanity. The Trust was unsympathetic to pleas on his behalf, so Watson's wife took her case to the Privy Council. Alarmed that a

⁶⁸ *Journal of Peter Gordon*, 50.

⁶⁹ Montgomery, *Golden Islands*, 17-18.

⁷⁰ John Wesley to James Oglethorpe, 4 March 1737, in Frank Baker, ed., *The Works of John Wesley* (Oxford, 1980), 25: 497.

royal judgment against them might set a precedent for future Crown involvement in the colony, the Trustees quickly ordered Watson's release.⁷¹ They did not want colonists to view this as a proper avenue for appeals.

The Trustees moved to protect their strong governmental powers by limiting involvement by the settlers. The key to this was the absence of a colonial assembly. The charter remained quiet on the issue of a legislature, making no mention of a House or governor's Council. Given the trend in other parts of the British empire, though, imperial officials likely assumed that the Trustees would establish a government along standard lines—governor, Council, and popular assembly. Other British mainland settlements had colonial assemblies through which provincial landholders expressed themselves. During the late eighteenth and early nineteenth centuries, though, assemblies in other colonies (including South Carolina) had used their powers to undermine the authority of royal or proprietary governments. The Trust knew this and refused to create an institution that could challenge their rule in Georgia.

The usual scholarly explanation for Georgia's unrepresentative government is that a charity colony populated by England's poor did not require an assembly. Impoverished men were not familiar with the functions of government, and therefore The Trustees reasonably decided that their settlers were unsuited to wield political power in America. This conclusion is not entirely accurate. As discussed above, the Trustees borrowed many of their ideas from previous Georgia proposals. However, the decision against a provincial legislature marked a departure from other schemes. While Coram's 1717 plan

⁷¹ Coleman, *Colonial Georgia*, 108.

placed much of the government in the hands of the military, it also specified a “Lower House to consist of freeholders annually chosen by freeholders and other inhabitants.”⁷² Likewise, Montgomery’s 1717 agreement with the Carolina proprietors included a guarantee that all laws drawn up by Azilia’s lifelong governor first needed the “approbation of the Freemen thereof in Publick Assembly.”⁷³ Keith’s 1731 plan proposed a “Council of 9 to 15 to be yearly elected by the freemen.”⁷⁴ Charity colonies and colonial assemblies were not seen at the time as mutually exclusive. Other settlement plans included elective bodies as a built-in check upon the power of their proprietors. Georgia lacked this safeguard not because it was a charity colony, but because these particular proprietors refused to surrender that much authority to colonists.

The most important Trust measure to prevent the rise of a colonial elite was the strict restrictions put on property ownership. In England, one of the sharpest dividing lines in society separated those who owned property from those who did not. Freeholders mattered in Britain more than the masses that owned no property. Land ownership qualified men to vote. Making it to the ranks of freeholders meant gaining a measure, no matter how small, of social distinction and political power. Power followed property. The Trust’s policies limited not only property rights, therefore, but by extension also limited the amount of power colonists could rightfully claim.⁷⁵

⁷² *A&WI, January 1716-July 1717*, 308

⁷³ Montgomery, *Golden Islands*, 4.

⁷⁴ *A&WI, 1731*, 104.

⁷⁵ The scholarly literature about eighteenth century English political thought is massive, but particularly useful for England are Dickinson, *Liberty and Property*; Gunn, *Beyond Liberty and Property*; and Paul

According to the Trust's rules for settling the colony, Georgia settlers did not fully own their land. The Trustees would not grant land in "fee-simple," which meant that colonists did not have the ability to buy, sell, or mortgage their property. Plots were initially given in "tail male," with the nearest male relative inheriting the estate upon the death of its occupier. Wives and daughters could not inherit unless they sent a special petition to the Trustees asking for an exception to the "tail male" requirement. If the corporation refused, the grant and all of its improvements reverted to the Trust. In addition, the Trustees regulated what colonists must do with their land in order to retain possession of it. The Trust could confiscate a Georgian's land on no less than nine separate grounds, including the failure to plant and keep ten mulberry trees on each acre of cleared land.⁷⁶

The Trustees defended their land restrictions as necessary to ensure a sufficient number of males to defend the colony against attack. Perhaps the Trustees should have heeded William Keith's 1731 warning about land policies in a new settlement. To attract immigrants and keep them content, Keith stated, it would be necessary to give them property on "much easier terms than would in all likelihood be obtained" in other colonies.⁷⁷ The Trustees instead established sharply restricted terms. This caused much

Langford, *Public Life and the Propertied Englishman, 1689-1798* (Oxford, 1991). On the American experience, Kammen, *Spheres of Liberty* is both concise and thought-provoking. Recently Holly Brewer has offered a clear overview of issues regarding land tenure and its social implications in her "Entailing Aristocracy in Colonial Virginia: Ancient Fuedal Restraints and Revolutionary Reform," *William and Mary Quarterly* 3rd series 54(1997): 307-46.

⁷⁶ McCain, *Georgia as a Proprietary Province*, 226-79; Milton L. Ready, "Land Tenure in Trusteeship Georgia," *Agricultural History* 48(1974): 353-68.

⁷⁷ A&WI, 1731, 131.

displeasure among settlers who did not share the Georgia Corporation's concerns about military defense.

Discontent over the "tail male" policy began in 1732 and remained high until 1750 when the Trust finally abandoned it. When the Trustees read the terms of settlement to families chosen for the first embarkation, they asked for any objections. They received numerous replies. Specifically, the colonists asked "that their daughters might be allow'd to inherit as well as Sons." In this instance, the Common Council granted them permission to name any heir they wished. However, the Trustees made clear that this was a specific exception for this group only, and did not establish a rule or precedent for future settlers. As the corporation told one correspondent, "it was in our power to let females inherit Estates when we thought it proper, and we should do it in the general, but it would not be convenient to put that matter entirely out of our power by making an order that we would always do it." The Trustees did not want to concede any of their discretionary power by formulating a binding rule.⁷⁸

The uncertainty in inheritance caused a great deal of unease among those interested in going to Georgia and those already living in the province. Since female inheritance "was to be no law," but merely a "privilege" given at the Trust's desire, it discouraged settlers from working. Why go to the expense and trouble of clearing and cultivating their grant if they risked "their estates reverting to the Trustees, in failure of male issue with all the improvements made upon it?" The Trust's promises meant little to them. What they desired was a law or colonial constitution guaranteeing in writing the right to female

⁷⁸ *Egmont Journal*, 6.

inheritance of land.⁷⁹ Some of the early grantees felt so strongly about the issue that they refused to leave for Georgia until the Trustees satisfied their concerns.

Two incidents in early 1734 set off an internal debate among corporation members about land policy. The first occurred when Monsignor Dumont, the French Minister at Rotterdam, wrote the Trust on behalf of foreign protestants unhappy with Georgia's land restrictions. These families wished to live in Georgia, but Dumont hinted that the settlers would prefer other colonies to Georgia as long as land policies remained the same. Other provinces gave land on much better terms. In May 1734, the corporation received word from the leader of a group of 40 Dutch farmers intended for Georgia. They, too, were unwilling to leave for the new colony unless their wives and daughters could succeed them in their grants.⁸⁰

The Trustees agreed to delay any consideration of the two letters until they could solicit opinions from members not present. The responses showed the first serious division in the ranks of the Georgia corporation. Vernon, Coram, and others supported an alteration in land tenure since "Neighbouring Colonies are more liberal than we are in their Grants of Land It is to be feared that will in time breed Discontent in the minds of our People," and therefore eventually lead to the depopulation and ruin of Georgia. The colony would lose talented men who refused to accept land under such conditions. Those settlers already in Georgia, they predicted, will quit their homes and work lands offered on better terms by South Carolina landowners. They also questioned the legal basis of the Trust regulation

⁷⁹ *Journal of Peter Gordon*, 27.

⁸⁰ Mr. Martyn to the Revd. Mr. Dumont, 6 April 1734, Egmont MSS, 14207: 74; *Egmont Journal*, 48, 50.

since such property restrictions were “contrary to the law of England” and therefore a violation of the Georgia charter.

Egmont led the charge in defense of tail male, claiming that to allow females to inherit would be the first step to undermining the Trust’s authority. First would come female inheritance, he said, but colonists would not stop there. With “this once obtained, it would be followed by a liberty to Sell.” The resulting wave of land speculation would lead to estate consolidation and plantation development as Georgia followed South Carolina’s developmental model. As for the legal argument, Egmont claimed that British law did not apply in this case because grants were “a gift which may be qualified as agreed on between the Parties.” Settlers were free to accept or decline the terms of their grants. Those that agreed voluntarily surrendered that part of their liberty. Once again, defenders of tail male assured the colonists that their wives and daughters could petition and receive inheritances “when judged reasonable” by the Trustees. Making female succession a rule would lessen the Trust’s authority over such issues. Better, said Egmont, that members of the corporation “should re[tain] the power in our own hands.”⁸¹

The debate became heated and personal, suggesting the issue’s importance to both sides of the question. Thomas Towers, a defender of tail male, attacked Coram’s right to debate the question at all. Towers stated that since Coram was “only a Trustee,” he should not question a regulation drawn up by the Common Council, and “ought to know himself bound by the decisions of the board.” On this occasion, a majority of the Trust

⁸¹ Mr. Vernon to Mr. Verelst, 25 May 1734, Egmont MSS, 14207: 83; Mr. Digby to Mr. Martyn, 25 May 1734, *ibid.*, 14207: 84; Lord Tyrconnel to Mr. Verelst, 25 May 1734, *ibid.*, 14207: 87; *Egmont Journal*, 48, 50. Harman Verelst was the Trustees’ accountant and sometimes handled correspondence in the place of Secretary Martyn.

chose to keep tail male tenure without alteration.⁸² The decision revolted Coram and set him on the path to a complete break from the Georgia Trust.

So that there could be no further misunderstandings over its policies, the Trust issued the “Rules for the year 1735” which also served as a guide for future embarkations. In return for tools and the cost of passage, charity settlers were to “quietly, soberly and obediently demean themselves . . . and obey all such orders as shall be given.” The Trust reiterated that it granted all land in tail male only. “In case of failure of heirs male,” any person’s land would “revert to the Trust, to be granted again to such persons as the common council of the Trustees shall think most for the advantage of the colony.” Daughters or wives had no legal right to the land, but if they appealed for an exception, their cases would receive “a special regard” from the corporation. In addition, all charity settlers sent over on Trust expense must stay and work in Georgia for a minimum of three years after arrival. If any wished to leave before that time elapsed, they needed specific permission from the Trustees. Colonists who agreed to these terms could embark for the New World. Those who rejected them stayed behind.⁸³

The 1735 statement did not stop the flow of protests from those who opposed the board’s restrictive land regulations. A Memorial arrived shortly thereafter from a group of settlers willing to pay their own way to Georgia, but who felt uncomfortable with the colony’s laws. They objected to nearly every aspect of the Trustees’ rules. Why should they trust the Georgia corporation to grant their daughters an inheritance exception should

⁸² *Egmont Journal*, 51.

⁸³ Francis Moore, *A Voyage to Georgia Begun in the Year 1735* (1744; reprint, Jacksonville, Fla., 1992), 1-5.

they die without sons? As they flatly stated: “No Body cares to have his Children’s bread depend on the Good will or generosity of any Body, especially when this dependence regards a property he ha’s purchas’d by his Industry.” Requirements as to what percentage of the land must be planted, and what must be planted on it (including mulberry trees) seemed to the petitioners “arbitrary and unjust” provisions that would “lead to forfeitures on slender pretences.” Taken as a whole, they judged the terms of Trust land grants “against the nature of property.”⁸⁴ Thomas Gapen, who had already settled at Savannah, drew the same conclusions about property rights and paired them with ideas about about liberty. Before outlining what he saw as the inequities of Georgia’s current rules and government, Gapen requested that “Justice may take place and Liberty and Property be supported which are the valuable Enjoyments of an Englishman; And I was in hopes of being possessed of them here.”

These complaints apparently found sympathy with one disenchanted Trustee. In late 1735 an anonymous letter appeared in Savannah attacking Georgia’s government as “military, arbitrary and Tirranical.” Members of the corporation, the author charged, pursued their own private interests at the expense of the people they sent to Georgia. He predicted that the colony would soon die from the willful mismanagement of its current rulers. Egmont and others suspected Coram’s hand at work. After his defeat in the land tenure debate in 1734, he had tried without success to bring up the subject for consideration again. When his colleagues refused, Coram become so disgusted with the Trust that he stopped attending meetings and began criticizing them frequently and

⁸⁴ A Memorial in behalf of Me. Arthur Martin Gentleman & others who on good Encouragement, are willing to transport themselves, Egmont MSS, 14208: 83-89.

publicly. Internal evidence in the letter does point to Coram's involvement in some way, if not through direct authorship. The text of the message described a recent application to the Crown for a "New Settlement in another place," and sketched the progress of that colonial venture.⁸⁵ In what is almost certainly no coincidence, on 6 June 1735 the Board of Trade began deliberations on Coram's new proposal for settlements in Nova Scotia and the West Indies. Coram himself attended the Board of Trade three times that year to lobby for approval. During his attendance, he specifically asked that the colony be given a civil government because of the many problems associated with "military government."⁸⁶ Though he may have intended his words as a comment on Nova Scotia's government, his Georgia experiences may have contributed to his concerns. Certainly Coram had seen an authoritarian aspect to Trustee rule that he strongly disliked.

Egmont privately expressed the implicit logic behind the Trust regulations: "our Grants are gifts & favors which may be made on what terms we please, and no man who accepts them on the present foot has reason to complain."⁸⁷ They were attempting to prevent politics through the manipulation of property. At least one outside observer took note of this even before the issuance of the colony's charter. At one point during his attendance at court in May 1732, the Queen asked whether Egmont was "for reducing people to people to poverty to make them honest." Egmont denied it, stating only that he

⁸⁵ *Egmont Journal*, 114.

⁸⁶ *Board of Trade Journal, 1734-5 to 1741*, 20, 30, 32, 39, 83.

⁸⁷ *Egmont Journal*, 96.

opposed excessive luxury.⁸⁸ There was a grain of truth, though, to the Queen's observation. The Trust sought to keep its Georgia colonists poor not to keep them honest, but to keep them obedient. This became a major point of contention for the Georgia "malcontents," who criticized the policies as an attempt by the Trustees to keep them dependent upon England for their mere survival.

Numerous letters railed against what Georgians saw as abuses of power by the Trust and its officials. In their protests, colonists drew upon their pride in England and its heritage of Liberty. Held to this high standard, settlers judged Georgia lacking in "Englishness." When writing of Savannah's officials, Paul Amatis marveled that "he did not think that an Englishman could be so tyrannical." He begged the Trustees to reconsider their policies and instead "govern this place according to justice and the laws of Great Britain." Others began to lose hope and pondered a return to the warm, protective embrace of the mother country. "If a man is to be governed by an officer who will reign arbitrary," wrote Thomas Mouse in early 1735, "please permit me and my family to proceed for England."⁸⁹ The colonists also drew upon specific British parallels to help them understand their New World experiences. By 1735, Georgia had already begun to show divisions into pro-Trustee and anti-Trustee factions. One observer described them in terms of contemporary English politics, remarking that he "found the people very much divided here like Court and country in England. The Magistrates and the better sort, as I

⁸⁸ *Egmont Diary*, 1: 264.

⁸⁹ Thomas Mouse to James Oglethorpe, 23 January 1735, in Mills Lane ed., *General Oglethorpe's Georgia: Colonial Letters* (Savannah, 1975), 1: 114 (Hereafter *Oglethorpe's Georgia*); Paul Amatis to the Trustees, 30 June 1735, *ibid.*, 1: 199.

take it, on the one side, the populacy, if I may so call them, with a few of the better sort on the other.”⁹⁰ Though the first appeals to the Trustees typically remained polite (unlike those of the late 1730s), the sense of discontent comes through clearly.

The early rhetoric between colonists and Trustees did not always remain restrained, however. When charity settler Elizabeth Bland reached Charleston, South Carolina, she reconsidered her decision to join her son James in Savannah and quickly booked passage back across the ocean. When she heard of her son’s ill health, though, she rushed southwards to visit him before departing. When she concluded her visit, she was stunned to find that Georgia magistrates refused to let her leave. In her letter to London, she emphasizes the importance of liberty and the consequences to anyone seeking to take it from British settlers:

“To my great surprise I have lost my liberty and must not return home to my native land without leave from the Trustees . . . neither would I have sold my freedom for £10,000 Sterling. And as I have done nothing to forfeit my liberty hope I am not to lose it. There can be no greater injury to the success of the colony than my letters would be should I acquaint the world of my loss of liberty . . . I pity my poor son and wish him in the place of your meanest servant, for they are in a land of health, liberty, and property. But did King George use his people as they are used here he would soon lose his Crown.”⁹¹

The implication is clear: if the Trust refused to take measures to restore people’s liberties, they would face a movement to overthrow them. Bland and others sometimes drew comparisons between themselves and slaves. Such rhetoric resembles that of the “patriots” of the 1760s and 1770s. Bland asked permission to return home, as she “would serve my betters in England rather than be a Slave to such ville wretches as govern hear.”

⁹⁰ Samuel Eveleigh to James Oglethorpe, 16 May 1735, *ibid.*, 1: 167

⁹¹ Elizabeth Bland to James Oglethorpe, 14 June 1735, *ibid.*, 1: 185-86.

“Things are carried by prejudice and passion, by mean artifice and selfish design of acquiring absolute power,” wrote another colonist, “It is certain that they can only serve the vile purposes of enslaving and destroying men, and I am sure the power that aims at those unworthy ends is not the power that is ordained of God.”⁹²

The most significant event that foreshadowed the troubles to come was the arrival of Peter Gordon in London early in 1735. Gordon was the initial First Bailiff of Savannah, and, for a time, the top-ranking magistrate in the colony. Several Georgia settlers wrote to Gordon during the winter of 1734-35 and asked him to carry their complaints in person to the Trustees. Agreeing to the mission, Gordon took ship for England and appeared before the Trust in May. Gordon gave his dire prognosis that the settlement could not survive “under the present Constitution and forme of Government.” Apart from allowing more secure property rights and removing corrupt officials, he said, the Trust needed to fundamentally alter the Georgia plan so that it conformed “with the laws of the country they have been brought up in.” As a start, he suggested that the province’s government should reflect the public will. Not only should future officials be properly qualified, but they likewise should be “in good esteem and agreeable to the people.”⁹³

The Trustees treated Gordon with contempt, immediately dismissing his comments as the ramblings of a “conceited unsteady Man” who gave unwarranted support to “malecontents in the Colony.” Trust members expressed their indignation that Gordon dared to leave his post and return to England without their permission. They criticized

⁹² *Journal of Peter Gordon*, 60.

⁹³ *Ibid.*, 51-52.

him for abandoning his duty to the Trust by “countenancing complaints against the Magistracy.” Gordon was stripped of office and the Trust elevated Thomas Causton—the most frequent target of colonial complaints—to the post of First Bailiff.

By the time Gordon made his unsuccessful appeal in London, Georgia was firmly established. The Trustees basked in public acclaim for their accomplishments to date. They had skillfully negotiated a charter that gave them total authority over Georgia. They erected a new political system, fulfilling their desire to govern their fellow men. Members viewed the future with incautious optimism. Neither Gordon nor anyone else could dampen their expectations of success. “England looks on this last settlement as her youngest child,” wrote William Byrd from Virginia, “which like Benjamin is generally a favorite.”⁹⁴ Such bright sentiments would not last. Georgia’s settlers remained distressed by conditions in the province. They complained loudly of the gap between those British liberties enjoyed in the rest of the Commonwealth on the one hand, and the sharply curtailed liberties granted them by the Trust on the other. However, resistance to Trustee regulations up to this time remained sporadic and unorganized. In mid-1735, the Trust could safely ignore men like Gordon and those he represented. That would not remain true for long.

⁹⁴ William Byrd to John Perceval, 20 July 1737, *Correspondence of the Three William Byrds*, 525.

CHAPTER TWO

LIBERTY AND PROPERTY WITH NO RESTRICTION: OPPOSITION TO THE TRUSTEES IN GEORGIA AND SOUTH CAROLINA, 1735-1743

In early 1735, the Georgia Trustees drew up three laws for royal approval, which received the Common Council seal on 9 January 1735 and were then forwarded to the Board of Trade and Privy Council for consideration. The Crown gave its assent on 3 April 1735, and the Trustees printed copies for distribution in England and Georgia in preparation for the laws taking effect on 24 June. These constitute the entire body of legislation passed during the twenty years of proprietary rule.¹

First was a statute preventing the importation of Rum, Brandy, or “strong waters” into Georgia since, in the Trust’s words, these were “particularly hurtfull and pernicious to Man’s Body and have been attended with dangerous Maladies and fatal distempers.” Colonial magistrates should seize any such illegal importations and publicly stave them. A first time offender faced a £5 fine; repeat offenders lost £50 plus the ability to hold

¹ For the text of the laws and the minutes of the Privy Council’s approval, see *CRG*, 1: 31-54.

any office or employment in Georgia. To promote enforcement, the law offered half of the penalty levied to anyone that successfully prosecuted a violation. In addition, the Trustees decided that no one could sell liquor of any kind without license from the Trust or its duly appointed officials.

Next came a law “for maintaining the Peace with the Indians in the Province of Georgia.” It sought to achieve this goal by strictly regulating access to the colony’s Indian trade. All persons trading with Indian tribes located in Georgia must take out Georgia licenses each year at a cost of up to £5 10s. Further, the merchant had to put up a bond for £100 to guarantee good behavior. Licenses granted by other colonies were not valid. The Act gave Georgia officials full jurisdiction over trade disputes between traders from outside the colony and Indians in the province. A specially appointed Commissioner, with the power to compel any Indian traders to assist him in the apprehension of illegal operators, would enforce it. Traders captured without proper license faced the confiscation of their trade goods and a £100 fine. Legal merchants who disobeyed the orders of the Trustees or Georgia magistrates faced various fines plus the possible forfeiture of their bond and license. Finally, the Act specifically forbade traders from using slaves to move their goods into Indian territories.

Last came the statute that attracts the most attention from historians: “An Act for rendering the Colony of Georgia more Defencible by Prohibiting the Importation and use of Black Slaves or Negroes into the same.” The law criminalized the sale, purchase, or use of black slaves. If magistrates discovered an inhabitant using illegal slave labor, they were to fine the master £50 and seize the slaves. Any seized blacks were to be sold or otherwise disposed of “for the benefit and good of the said Colony.” The sole exception

to this seizure-and-sale policy was that runaway Carolina slaves would be returned to their masters in that province.

Historians have spent the last two and a half centuries trying to understand the motivations behind the Trustees' attack on slavery. Late-nineteenth-century authors leaned toward the military explanation that slaves would gravely weaken the colony's defenses. A few early twentieth century scholars saw the antislavery law as the beginning of an abolitionist movement that culminated in Abraham Lincoln's Emancipation Proclamation and the adoption of the Thirteenth Amendment to the United States Constitution. James Oglethorpe contributed to this view late in his life when, with the benefit of hindsight, he condemned all human bondage.² At the time of Georgia's founding, though, none of the Trustees advocated abolition outside of the colony's boundaries—and even tacitly supported the capture and enslavement of Native Americans. Several members of the Trust openly supported the African slave trade. None more so than Oglethorpe. In December 1730 he became an Assistant in the Royal Africa Company. A little more than a year later, in January 1732, he acquired £1,000 of company stock and was named deputy governor. Just months after this, Oglethorpe was the greatest advocate of antislavery in Georgia.³

² For examples of those seeing Oglethorpe as an ardent abolitionist see Ettinger, *James Edward Oglethorpe*, 150; and Ruth Scarborough, *Opposition to Slavery in Georgia prior to 1861* (Nashville, 1933), 62. Indian slavery is covered in Rodney Baine, "Indian Slavery in Colonial Georgia," *Georgia Historical Quarterly* 79(1995): 418-24. Recent debates for the South, including Georgia, are summarized in J. E. Chaplin, "Slavery and the Principle of Humanity: A Modern Idea in the Early Lower South," *Journal of Social History* 24(1990): 299-315.

³ Ettinger, *James Edward Oglethorpe*, 147-48.

The modern consensus view is that overall the Trust's policies were intended to protect "white virtue, white manners, and white morals."⁴ Historians use the Trust's writings to show that the slavery prohibition was a necessity to protect white settlers. First, since the colony was intended to provide a refuge where the poor could establish themselves as yeoman farmers, the design did not require slavery. Second, settlers would grow lazy if they had slaves to do their work for them. Third, the Trustees stressed the risk of a widespread slave insurrection in the event of an invasion by Spain, France, or their Indian allies. Fourth, white indentured servants produced silk and wine—the expected Georgia staples—much better than black slaves. Fifth, the Trust determined that impoverished colonists sent on the Trustees' charity could not afford to purchase expensive slaves without going deep into debt. They assumed that colonial farmers would naturally prefer to use cheaper white labor.⁵

Similarly, most scholars accept the Trust's justifications of the rum and Indian trade acts. The Trustees blamed early illnesses in Georgia and South Carolina on the consumption of rum and other distilled spirits.⁶ Drunkenness kept people away from work and made them unruly. Excessive amounts of rum sold by irresponsible Carolina merchants contributed to Indian troubles, and these highlighted the already well-known

⁴ Betty Wood, "Oglethorpe, Race, and Slavery: A Reassessment," in Phinizy Spalding and Harvey H. Jackson ed., *Oglethorpe in Perspective: Georgia's Founder after Two Hundred Years* (Tuscaloosa, Ala., 1989), 70.

⁵ [Anonymous], *An Account Shewing the Progress of the Colony of Georgia in America from its First Establishment* (1741), reprinted in Trevor R. Reese, ed., *The Clamorous Malcontents: Criticisms & Defenses of the Colony of Georgia, 1741-1743* (Savannah, 1973), 190-192.

⁶ *Egmont Diary* 1: 440, 451; James Oglethorpe to the Trustees, 12 August 1733, *Oglethorpe's Georgia*, 1: 19-20. Gerald L. Cates, "The Seasoning: Disease and Death Among the First Colonists of Georgia," *Georgia Historical Quarterly* 64(1979): 146-58 disagrees with the Trustees, attributing the casualties to a different disease environment.

dangers of “strong waters.” These factors, said the Trustees, convinced them to regulate both liquor and Indian trade for the protection of their colonists’ bodies.

There is, though, another explanation for these laws. The rum prohibition, Indian Trade regulations, the slavery ban, and land tenure rules all worked to prevent Carolinians and Georgians from gaining wealth and power in the new colony. When the Trustees referred to eliminating the “dangerous Maladies and fatal distempers” associated with rum, they meant Carolina merchants. Outlawing rum took away a major exchange good from Carolina Indian traders. The Indian Act additionally forced them, at great expense, to acknowledge their subservience to Georgia officials. If any Carolina merchant grew powerful enough in Georgia to threaten the Trust, the Common Council could strip him of his license and expel him. Similarly, tail male inheritance and antislavery not only prevented the growth of a Georgia gentry, it discouraged South Carolina’s established elites from moving into the young province. These measures clearly increased the Trust’s authority over economic and political life in their fledgling settlement.

Many scholars express astonishment that the Trustees enacted only three laws. Given their interest in protecting their authority from royal infringement, however, it comes as little surprise. Indeed, it is remarkable that the Trust sought Crown approval for any statutes during its reign. What explains their willingness to subject themselves on this occasion to scrutiny by the Board of Trade, Privy Council, and King? Why not issue “regulations” (which did not need the King’s approval) instead of laws? The answer is that the Trust tried and failed to regulate these areas without formal statutes.

Neither the charter nor the early Georgia promotional literature mentioned slavery, but the Trustees indicated their general intentions very early in the settlement's history. Grants to Georgia settlers included a clause prohibiting grantees from owning or employing any "Black or Blacks Negroe or Negroes" without specific permission from the Common Council.⁷ According to South Carolina merchant Samuel Eveleigh, this caused some early despair over Georgia's chances for success. He wrote that the new settlers felt "dissatisfied That they have not Liberty of getting Negroes," and that experienced South Carolinians "all unanimously agree . . . that without Negroes Georgia can never be a Colony of any great Consequence."⁸ However, the Trust's actions during 1733 and 1734 caused some confusion over their labor policy and led some to hope that the corporation might reconsider the question. The Trustees employed slaves to build homes at both Savannah and Ebenezer during the first year of the colony. At times in 1733, Oglethorpe even expressed his frustration at the inability to secure an adequate number of slave laborers for the colony. As late as mid-1734, the people of Ebenezer rented black slaves to build roads and bridges. Some colonists apparently expected the Trust to lift their regulations against owning slaves. A confident Robert Parker wrote in December 1734, "I expect in my grant a liberty to have one or two Negro servants for every fifty acres."⁹

⁷ Common Council Grant of 500 acres to James Lacy, 21 December 1732, *CRG*, 32: 30.

⁸ Samuel Eveleigh to Mr. Oglethorpe, 19 October 1734, Egmont MSS, 14200 part 1: 112; Samuel Eveleigh to Mr. Oglethorpe, *ibid.*, 14201: 120.

⁹ James Oglethorpe to the Trustees, 9 June 1733, *CRG*, 20: 24; James Oglethorpe to the Trustees, 12 August 1733, *Oglethorpe's Georgia*, 1: 20; Mr. Martyn to Governor Johnson, 18 October 1732, Egmont MSS, 14207: 4-5; Robert Parker to Mr. Hucks, 24 December 1734, *Oglethorpe's Georgia*, 1: 77.

An alarming incident in 1733 made it obvious that the Trustees would have to clarify their slavery policy. That year, a group of South Carolina planters asked Oglethorpe for grants of land ranging from 3,000 to 12,000 acres each. Since this would require Oglethorpe to break the Trust's regulations, the petitioners offered him a bribe for his trouble. The planters promised him "considerable presents for to bring the Trustees into making these grants." Oglethorpe saw their true intentions immediately. These planters wished to gain land and "continue at putting their Negroes upon them." Eventually these men intended to "menopolize the Country." Oglethorpe gently and firmly refused their offer, but later felt that he should have "kicked the proposers [in] the Bargain."¹⁰ If South Carolina's gentry did manage to infiltrate Georgia, they would soon set themselves against Trustee rule. The direct nature of the threat to their authority made the Trustees realize the need for more forceful action to exclude slavery.

The Trustees also attempted and failed to implement effective rum control prior to 1735. On 21 November 1733, the Common Council passed a resolution outlawing rum and ordering any stores of it staved.¹¹ Attempts to enforce the prohibition, though, were infrequent due to widespread contempt for the policy. Wiser heads in America warned that the law would prove ineffective. William Byrd predicted that "the saints of New England I fear will find out some trick to evade your Act."¹² Had he added Carolina and Georgia saints, Byrd would have been entirely correct. One Georgia settler freely confirmed his business in illicit rum retailing, suggesting that a public admission would

¹⁰ James Oglethorpe to the Trustees, 9 June 1733, *CRG*, 20: 24.

¹¹ *Ibid.*, 2: 47.

¹² William Byrd to the Earl of Egmont, 12 July 1736, *Correspondence of the Three William Byrds*, 487.

do him no harm since so many others sold it with impunity. If Savannah settlers did not grab the profit from liquor sales, he reasoned, “men would bring it from Charlestown & sale it privately.” Better to keep the money in Georgia than let it flow north. Besides which, he concluded, rum was healthier to drink than Georgia’s waters.¹³

Much of the rum probably did come from Carolina. Georgia’s neighbor imported 160,204 legally declared gallons in 1734, plus an undetermined number of smuggled barrels. After arriving in Charleston or other port towns, boats laden with distilled spirits navigated up the Savannah River for unloading in Georgia. Savannah magistrates and other Trust officials sporadically made attempts to stop and search incoming ships for illegal goods, even though these actions caused an uproar in South Carolina. Clever merchants soon learned to declare that they were carrying rum up to the Savannah River to other ports in Carolina. Few people in either colony believed this, but the cover story was sometimes enough for a trader to escape inspection. In addition, juries often refused to convict rum traders even when caught holding clear evidence of their guilt. Eventually even some of Georgia’s magistrates surrendered to the siren song of profit. By 1735 reports came that Savannah’s Recorder, Thomas Christie, and Causton, the town’s chief officer in charge of staving rum, had begun selling illicit spirits.¹⁴

Likewise, the Trustees were unsuccessful in implementing Indian regulations during the colony’s first two years. In April 1734, Oglethorpe asked Captain Patrick Mackay to

¹³ Patrick Houstoun to Peter Gordon, 1 March 1735, *CRG*, 20: 239.

¹⁴ H.B. Fant, “The Prohibition Policy of the Trustees for Establishing the Colony of Georgia in America,” *Georgia Historical Quarterly* 17(1933): 287; *Egmont Journal*, 178; James Oglethorpe to the Trustees, 4 July 1739, *Oglethorpe’s Georgia*, 2: 409; Patrick Houstoun to Peter Gordon, 1 March 1735, *CRG*, 20: 239; Thomas Causton to James Oglethorpe, 24 March 1735, *ibid.*, 20: 285; Samuel Marcer to the Trustees, 25 April 1735, *ibid.*, 20: 325-27; Peter Gordon to the Trustees, 7 May 1735, *ibid.*, 20: 336-37.

serve as Indian Agent for Georgia. South Carolina's Commissioner of the Indian Trade promptly advised Charleston merchants to ignore Mackay's orders since they held licenses from Carolina, not Georgia. Mackay implored the Trustees to establish a Georgia licensing system since traders would only respect the authority of someone with power over their trade.¹⁵ Formal laws approved by the King would strengthen the Trust's hand against both Georgia colonists and South Carolinians.

The year 1735, then, marked the culmination of the Trust's plan to secure its absolute authority over Georgia. It also saw the first measures of concerted resistance to the Trustees' policies. South Carolina planters, merchants, and politicians united to tear down Georgia's Rum and Indian Trade Acts. Georgians, urged on from well-wishers in Charleston, banded together to campaign for fee-simple land ownership and the importation of slaves. Organized unrest developed slowly over the next few years in Georgia and did not pose a major threat to the Trustees until the late 1730s. South Carolina relations, though, collapsed rapidly, and the older province soon caused serious problems for the Georgia corporation.

The first months of Georgia's existence saw a surprising amount of cooperation between the two colonies. In January 1733, Governor Robert Johnson and the South Carolina Assembly gave Oglethorpe and the passengers of the *Anne* a gift of "an hundred head of breeding Cattle and five Bulls, as also Twenty Breeding Sows and four Boars, with Twenty Barrels of good and merchantable Rice." In part, this was a response to a Crown instruction requiring every royal governor in America to assist Georgia in any way possible. In these first days, it also suggested some hope that the two colonies might

¹⁵ Ibid., 2: 414; Patrick Mackay to the Trustees, 20 November 1734, *ibid.*, 20: 108-09.

act in harmony in future years. Governor Johnson expressed his pleasure in aiding a project “so advantageous to this Province.”¹⁶

The promise of more tangible and lasting help came over the following months. In June 1733, Johnson and the Assembly implemented a three-pence-per-gallon duty on South Carolina rum imports. The money collected would go to help Georgia colonists. During the first year, the rum tax and private Carolina contributions raised over £464 for the Trustees’ use.¹⁷ Events in 1735 shattered this goodwill between the provinces. First came Governor Johnson’s death on May 3, 1735.¹⁸ His lieutenant governor, Thomas Broughton, did not share the same enthusiasm for Georgia. It was after Broughton’s ascension that official word arrived of the Trust’s three laws. Indian Agent Mackay moved to enforce the Trust’s wishes even before the King’s approval of the laws. Beginning in March 1735, he expelled several Carolina-licensed Indian traders from the Creek Nation. He instructed them that if they wished to return they must take out Georgia licenses and offer security for their good behavior as required by the Trustees. If they returned without a Georgia license, he warned, he would confiscate their horses and trade goods.¹⁹

Mackay’s actions took South Carolina merchants by surprise. Angrily, they called on their government to use its full power to secure “a free Trade among the Indians as

¹⁶ Governor Robert Johnson and his council to James Oglethorpe, *ibid.*, 20: 6-8; Phinizy Spalding, “South Carolina and Georgia: The Early Days,” *South Carolina Historical Magazine* 69(1968): 86.

¹⁷ Spalding, “South Carolina and Georgia,” 91, 94.

¹⁸ *Egmont Journal*, 95.

¹⁹ John Fenwick to Patrick Mackay, 12 June 1735, *CRG*, 20: 483; Lt. Gov. Thomas Broughton of South Carolina to Patrick Mackay, 4 July 1735, *ibid.*, 20: 484.

Usual.” Broughton excoriated Mackay for his “Arbitrary & Violent” interference, undertaken “without any Legal Authority,” against properly licensed Carolina merchants. Broughton further promised that his government would take all measures possible to stop the “Illegal proceedings ag[ains]t his Maj[es]tys Subjects.” To ensure his people access to the Indian trade, the lieutenant governor ordered agents into the Creek nation to countermand Mackay’s orders. Savannah magistrates backed their Indian Agent fully, writing to South Carolina that he had not done anything illegal. As for Mackay’s alleged rashness, it was for the Trustees, not Carolina Indian traders, to judge whether or not he had acted undiplomatically. In their opinion, though, the complaints against him smacked more of malice and greed than legitimate grievance. Causton added that Georgia was prepared to call up and dispatch militia to support Mackay’s authority if necessary.²⁰

Broughton considered this last threat empty since—as he pointed out—the charter placed South Carolina’s governor in charge of the Georgia militia. Therefore, he concluded, the Savannah magistrates had no legal authority to summon military aid to back Mackay. Should Causton or Mackay proceed with military action in violation of the royally approved charter, he warned, it would amount to armed rebellion against the King. Though he believed he offered Georgia officials convincing reasons not to act hastily, Broughton did not trust their judgment. In late July 1735, he ordered Georgia’s militia to ignore commands given by anyone other than him or his authorized representatives.²¹

²⁰ Broughton to Mackay, 4 July 1735, *ibid.*, 20: 484-85; Magistrates of Georgia to Lt. Gov. Thomas Broughton of South Carolina, 21 July 1735, *ibid.*, 20: 489.

²¹ Lt. Gov. Thomas Broughton to the Magistrates of Georgia, 29 July 1735, *ibid.*, 20: 491-92.

The South Carolina government quickly realized that the magistrates in Georgia had insufficient power to negotiate a solution and therefore decided to forward a list of grievances to London. The first letters from America laying out Broughton and his Council's arguments against the Indian Act reached the Trustees in October 1735. South Carolina's case consisted of two central points. First, the King had instructed that no one should deprive his subjects of the liberty to trade with any nation of free Indians. Second, neither the Georgia charter nor Indian Act interfered with the autonomy of native tribes. If these two propositions were true, then the Trustees must declare Mackay's actions as Indian agent illegal. After reporting Causton's threat to raise the Georgia militia, Broughton repeated his position that full authority over the militia lay in South Carolina. In closing, he asked the Trustees to order their officials to desist actions "so Injurious to the Rights and Propertys" of British citizens.²²

Charleston merchants had little hope that the Trust would act in their favor, and they were correct. On 7 October 1735, Egmont wrote a side-note in his journal: "Now began the Province of South Carolina to be our Enemies."²³ Egmont and the Trustees waved away all of Carolina's complaints as the snipings of greedy, ambitious men. Their reply to Broughton addressed the additional matter of who controlled Georgia's militia. Privately, Egmont conceded the accuracy of Broughton's conclusion. However, such an admission surrendered too much leverage to South Carolina. The Trust's public position was that their charter gave South Carolina's governor command of the militia only in

²² Thomas Broughton to the President of the Board of Trustees, October 1735, *ibid.*, 21: 3-5.

²³ *Egmont Journal*, 112-13.

“extraordinary cases.” In routine affairs, militia authority rested solely with the Trustees.²⁴

Expecting precisely this type of response from the Georgia corporation, South Carolina had already begun the next phase of its protest. On 9 December 1735, Carolina agents presented the Board of Trade with a petition and several affidavits against Mackay’s conduct. At the same time, copies of the papers made their way into the Trust’s hands. The Board of Trade posed a grave threat to the Trust’s authority. Its involvement in relation to South Carolina might establish the Board’s right to review all Trustee decisions. A ruling in favor of South Carolina would be more damaging still. This formal appeal spurred greater action from the Trust than the previous informal complaints. The day after receiving the memorials, Trustees Robert Hucks and Henry La Roche informed the Lords Commissioners that they had referred the matter to a committee for action. The Trustees worked to forestall further Board of Trade review by removing the immediate problem. On 10 December, they drafted a letter dismissing the “obnoxious” Mackay from his position. They also pledged to investigate Mackay’s conduct.²⁵ These concessions seem to have served their purpose, as South Carolina temporarily chose to delay further action on its petition.

Mackay’s dismissal as Indian agent for Georgia, as events soon clearly showed, did not mark a significant shift in Trust policy. The Georgia corporation intended to assert total control over the Indian trade. Protests poured in from as far away as Virginia,

²⁴ *Egmont Diary*, 1: 199, 213.

²⁵ *Board of Trade Journal, 1735-1741*, 78-79; Mr. Martyn to Capt. Patrick Mackay, 10 October 1735, Egmont MSS, 14208: 478; *Egmont Journal*, 122.

whose traders exchanged goods with Cherokees now considered part of the Georgia grant. Even Egmont's close friend William Byrd complained of the:

very great hardship (I am loath to give it a harsher word) that Virginia suffers from those who put your laws in execution. First, I humbly conceive that your law for securing all the Indian trade [to] Georgia, even with those nations that live within that province, [to] the exclusion of all His Majestys other subjects, or which is [much] the same thing, to oblige them to go 500 miles every year to take a license has much the ay of a monopoly . . .”²⁶

Despite the growing chorus of outrage, the Trustees remained committed to the only course that preserved their authority over Georgia.

When Oglethorpe returned to Georgia in early 1736, he carried with him a commission to enforce the Indian Trade Act. In June, he issued orders to “Seize the goods of all Traders within the Province of Georgia, who had not taken Lycenses therein.”²⁷ His unyielding demand that Carolinians submit to Trustee regulations and licensing requirements infuriated South Carolina Indian traders, who had expected a compromise solution. Charleston merchants again petitioned their government “to defend the Indian trade to the utmost of their power.” After heated debate, the Assembly on 26 June 1736 voted to raise £2,000 to indemnify merchants caught violating Georgia's regulations.²⁸

South Carolina added enforcement of the Rum Act to the list of complaints against Trust officers. Georgia officials had seized ships traveling up the Savannah river and

²⁶ Wiliam Byrd to the Earl of Egmont, 20 July 1737, *Correspondence of the Three William Byrds*, 526.

²⁷ *CRG*, 1: 123; *Egmont Journal*, 167.

²⁸ Ordinance of the Council and Assembly of South Carolina relating to the Indian Trade, 26 June 1736, Egmont MSS, 14202: 16-18; Samuel Eveleigh to Harman Verelst, 24 March 1736, *Oglethorpe's Georgia*, 1: 256; James Oglethorpe to the Trustees, 24 July 1736, in *Collections of the Georgia Historical Society*, volume 3 part 2 (Savannah, 1873), 39 (Hereafter *CGHS*).

searched them for rum being imported into Georgia. Any spirits uncovered were seized and staved even when ship captains claimed to be carrying the liquor to other South Carolina settlements. The South Carolina Assembly contended that since the river marked the boundary between the two colonies, the waterway belonged to neither one. Therefore, the rum prohibition did not apply and merchants from both provinces were guaranteed freedom of navigation by “natural Right [and] by the Laws of Great Britain.” Oglethorpe responded that rum smugglers deserved whatever property destruction they suffered for breaking the law. He then reiterated the Trustees’ intention to stop and search all ships traveling close to the Georgia side of the Savannah.²⁹

Throughout the summer of 1736 the rhetoric on both sides grew more extreme. South Carolina accused the Trust of trying to set up a Georgia monopoly over the colony’s Indian trade. The Trustees and Georgia officials hinted that their neighboring province’s behavior constituted treason. If the King approved the act that Carolina refused to obey, did they not therefore disobey the Crown? Broughton, said Oglethorpe, continued to send Carolina traders “in defiance of the King’s orders.” A Savannah grand jury—urged on by Oglethorpe—issued a document supporting Georgia’s Indian Law against the “the factious Schemes and corrupt gain” of greedy Carolinians. While Georgians remained “Dutiful Subjects” of the King, the representation suggested that South Carolina held “notions of Independency on His Majesty and His Laws.”³⁰

²⁹ Col. Broughton to Mr. Oglethorpe, 21 May 1736, Egmont MSS, 14201: 209.

³⁰ James Oglethorpe to the Trustees, June 1736, *Oglethorpe’s Georgia*, 1: 275.

In July, the South Carolina Council and Assembly prepared another petition to the King and transmitted it to a Mr. Fury, their agent in London.³¹ Fury held the petition for several weeks while the Assembly and Trustees made one final attempt to settle the intercolonial dispute through negotiation. In August 1736, delegates from Charleston carried a series of propositions to Oglethorpe for his perusal. First, Carolina suggested that the two provinces agree on a fixed number of traders, and that licenses from both be considered valid for trade in Georgia. In addition, the two provinces should choose one joint Indian Agent and issue one set of instructions. This agent should apply regulations and hand out punishments “in accordance with the laws in which the guilty trader was licensed.” Finally, they proposed that the Savannah river be opened to free navigation by merchants of every colony.³²

In essence, South Carolina asked that their traders be allowed to operate in Georgia independently of Georgia licensing requirements. Oglethorpe could never agree to this drastic undermining of Trustee authority. He rejected the Assembly’s propositions and formulated his own “counteroffer.” All traders must take out a Georgia license and submit to punishments by Georgia regulations. Boats would be allowed free navigation of the Savannah providing that captains allow Georgia officers to board and search their ships for rum and other contraband. More than a year into the conflict, neither side had budged. Carolina still sought unrestricted access while the Trustees still demanded full control over the Indian trade.³³

³¹ The text of the Petition can be found in the Egmont MSS, 14202: 51-63.

³² Propositions offered to James Oglethorpe by the Committee for the two Houses of Assembly of South Carolina, 2 August 1736, *ibid.*, 14202: 72.

³³ Oglethorpe’s Answer to the Committee, August 1736, *ibid.*, 14202: 75.

On December 8, 1736, Fury finally submitted South Carolina's petition to the Privy Council, which referred it to the Board of Trade for action. The petition requested that the Crown confirm South Carolina's right to an open and free trade with all native peoples according to its own Assembly's laws, not those of Georgia. Second, all citizens should enjoy free navigation on the Savannah River. Finally, it asked that Savannah Magistrates make reparations for the damage done to Carolina traders. The Trustees responded by filing a counter-petition protesting South Carolina's interference in the execution of a royally approved statute. While the Board pondered the matter, Oglethorpe agreed to suspend enforcement of the Indian Act.³⁴

The Board of Trade set a hearing for 13 January 1737, but that day and many more passed with no action. Carolina sought postponement after postponement while it procured counsel and built its case. Both sides maneuvered to secure the most prominent lawyers available. The Trustees retained the Attorney General to plead for them, while South Carolina hired the Solicitor-General. By February 9, the Trustees began to see partisan motives behind the delays. They sent Martyn to the Board of Trade to push for an early hearing since the Trust had witnesses preparing to depart for Georgia.³⁵ These suspicions about the Lords Commissioners seemed correct when they again changed the hearing date from 12 May to 19 May. On this day the Solicitor-General was free to represent Carolina, but the Attorney General could not appear on the Trust's behalf

³⁴ *Egmont Journal*, 178.; *Board of Trade Journal, 1735-41*, 153, 165; *Egmont Diary*, 2: 301.

³⁵ *Egmont Diary*, 2: 404, 344.

because of a prior commitment. Already anticipating an unfavorable ruling, the Trustees discussed an appeal to the Privy Council.³⁶

Before reaching a decision in the case, the Board of Trade in late June sought advice on two questions from the Attorney and Solicitor Generals. First, could any colonial Act grant a province exclusive trade with Indians living in that province? Second, did the Georgia Indian Act exclude all persons without Georgia licenses from trading with the Indians? Both men agreed on the answers. No, a colony could not grant itself exclusive trade. Yes, the Georgia act excludes all traders not licensed in that colony, and, furthermore, such a regulation was legal. When they discovered the content of these questions and the answers submitted, the Trustees anticipated victory in the dispute.³⁷

The Board of Trade's final report to the Privy Council in late 1737 stunned the Trustees. It supported South Carolina in most of its claims, including approval of the Act indemnifying Carolina traders who defied Georgia regulations. The Trustees immediately appealed to the Privy Council.³⁸ Hearings began in January 1738; the decision came down in March. On the whole, it marked another defeat for the Georgia Trust. While the Council disallowed South Carolina's indemnification law, it issued instructions that the Trustees must grant Georgia licenses to "a due number" of Indian merchants chosen by South Carolina's governor. The Trust could not levy the normal £5 fee for these licenses. The King's instructions issued in July differed in one major respect. Instead of "a due number" of traders, he required the Trustees to license "all"

³⁶ Ibid., 2: 404.

³⁷ *Board of Trade Journal, 1735-41*, 202-03; *Egmont Diary*, 2: 427-28.

³⁸ *Egmont Diary*, 2: 472, 441.

merchants named by South Carolina's governor. Both provinces were to pass legislation mutually settling on the details of the arrangement.³⁹

The decisions from the Privy Council and King effectively suspended Georgia's 1735 Indian Trade Act. For the remainder of the Trustee period Carolina Indian traders as a general rule refused to submit to Georgia regulations.⁴⁰ Through judicious applications to higher sources of authority in London, South Carolina had succeeded in undermining the Trust's authority in Georgia. This intercolonial conflict set an instructive example for Georgia "malcontents" seeking changes in their province's property regulations. When in the early 1740s they, too, gained little satisfaction from the Trustees, they chose to take their case to the Crown and Parliament. Georgians used London authorities to undermine proprietary power and increase local authority.

The first rumblings of organized protest in Georgia crossed the Atlantic in August 1735. A letter written by Patrick Tailfer and a few inhabitants of Savannah outlined the advantages of using slaves instead of indentured servants. White servants, the letter claimed, could not work long in the heat of the spring or summer sun without falling ill. This made them unsuitable for heavy labor six months out of twelve. In addition, whites were entitled to good clothing, a European-style (and thus expensive) diet, wages, and sufficient quantities of beer or other liquors. The expense of bringing them over and maintaining them was so great that a master could scarcely recoup his costs before the

³⁹ *CRG*, 5: 40, 46, 55-56.

⁴⁰ H.B. Fant, "The Indian Trade Policy of the Trustees for Establishing the Colony of Georgia in America," *Georgia Historical Quarterly* 15(1931): 217-22.

four or five year term of indenture ended.⁴¹ To make matters worse, people in Charleston encouraged indentured servants to leave Georgia. If the servant escaped to Carolina, the chances of recovering either him or the cost of his passage were nonexistent.

The answer to the labor problem, the writers said, was to allow black slavery in the colony. Blacks tolerated the heat much better and needed only a bare minimum of low quality clothing and food to survive. Slaves could not easily run away from their masters to Carolina since patrols detained all blacks traveling without either permission from their owners or proof of their freedom. While they might prove more expensive to obtain than a white servant, their lifetime servitude and the possibility of offspring made them a less costly alternative in the long run. For those without cash, slave merchants were willing to sell on credit. The importation of African slaves, the writers predicted, would lead to the rapid clearing and cultivation of land throughout the province. Should the prohibition remain, “it seems very improbable that this colony should answer any end.” The letter concluded with a request for the Trustees to bow “to the sentiments of the people of this colony” in granting them the liberty to own slaves.⁴²

Later appeals would ask for changes in land tenure and Georgia’s government, but these basic pro-slavery arguments remained largely unchanged. The “malcontents,” as the Trustees termed them, could judge the benefits of slavery easily thorough comparisons with their northern neighbor. South Carolina enjoyed a prosperous economy and political stability. Tailfer and others of similar thinking attributed this to

⁴¹ On the costs of white indentured labor, consult David Galenson, *White Servitude in Colonial America: an Economic Analysis* (Cambridge, 1981).

⁴² Patrick Tailfer and Others to the Trustees, undated, *Oglethorpe’s Georgia*, 2: 225-27; also in *CRG*, 20: 364-67.

their use of slave labor. South Carolina, they said, could produce superior crops at lower prices than Georgia ever could using white labor.

The Trustees chose to ignore the 1735 Tailfer missive, adopting the same position as one of their magistrates in Georgia, who wrote that “to give encouragement to anyone’s opinion who have no right to give it would be of dangerous consequence.”⁴³ Egmont dismissed the pro-slavery letter as the work of a “proud busie fellow” out for his own profit, and letters from colonial officials over the next months seemed to reinforce this conclusion. Georgia Register John Brownfield in early 1736 wrote that Tailfer, William Stirling, and other “Scots Gentlemen” in Savannah had set themselves up as merchants and advanced credit to other townsfolk. The result was that the men had “engrossed most part of the trade” and plunged many Georgians into debt to them. Bailiff Causton later that year confirmed that some in the province were “devoured with Debts” to a few merchants selling on credit.⁴⁴ Though Tailfer might have disputed such claims, the Trustees accepted them unquestioningly as proof positive that proslavery advocates sought power instead of the public good. Granting slavery would be the first step towards the creation of a gentry and the diminishment of Trustee authority.

Disappointed that the 1735 appeal drew no response, discontented settlers in Savannah continued their efforts to change Georgia’s laws. Tailfer, Stirling and other malcontent leaders resolved to meet every night in a local tavern to discuss the state of the province and what might be done to fix its problems. Knowing when and where to find others of a like mind on a regular basis gave the malcontents a loose sort of organization, known

⁴³ Thomas Causton to the Trustees, 2 April 1735, *Oglethorpe’s Georgia*, 1: 157.

⁴⁴ Jonathan Brownfield to the Trustees, 6 March 1736, *CRG*, 21: 139; *Egmont Journal*, 141; Thomas Causton to the Trustees, 26 November 1736, *CRG*, 21: 272-73.

locally as the “St. Andrews Club” or merely “the Club.” The regular meetings also allowed them to win others over to their cause. They opened the tavern doors to whomever wished to attend—whether hostile, neutral, or sympathetic.⁴⁵ For the time being, they contented themselves with talk rather than action while they waited to see whether colonial conditions improved.

The Trustees in 1736 and 1737 remained too absorbed in the Carolina Indian Trade controversy to devote much thought to property regulations. Indeed, they saw little reason to act on the few complaints that did make their way across the Atlantic. In the Trust’s opinion, these gloom-and-doom reports did not reflect majority public opinion.. They had received a number of accounts of the colony portraying it in glowing terms: thriving trade, bountiful harvests, and admirable industry. If the province was prospering, why should the inhabitants need slaves?

However, a few warnings did arrive suggesting that the Trustees were out of touch with reality. Their Colonial Register suggested that correspondents interested in currying favor were “deceiving Mankind with false Accounts” of Georgia. The Trustees were thereby grossly misinformed. In fact, he said, the colonial situation was “never yet so low as at this time.” People could not improve their grants for want of servants. Some grew discouraged at the lack of title to their lands and would not invest time or money so long as tail male restrictions remained. While there was little immediate danger of strong parties emerging against Trust policies, he concluded, there was still a “general Caution”

⁴⁵ *CRG*, 4: 111 and passim.

about the future. The people wanted reforms. They were patient, but would not remain so forever.⁴⁶

By early 1737, the Trustees had begun to realize their need for a regular and reliable flow of information from Georgia to London. They had unsuccessfully pressed Oglethorpe and Causton to provide timely reports, and finally decided to appoint a permanent secretary to monitor the colony. In January, William Stephens offered himself for the position and was approved with little debate for a six-year term. In addition to a regular salary, he received 500 acres of land, 10 servants to work it, the cost of his passage, £100 additional for immediate expenses, furnishings for his Georgia home, and permission to take his son Thomas along as his assistant.⁴⁷ Stephens' public instructions required him to keep a regular journal of events in the colony, to investigate why some settlers neglected cultivating their lands, and to urge Magistrates to enforce the rules and regulations sent from London. He also received a small "private" instruction upon his departure for the New World. It directed him to judge which specific officials did their jobs well and which performed poorly. Plus, he should uncover "the Peoples *pretences* of Complaint against the Magistrates."⁴⁸ In effect, Stephens functioned as a spy for the Trustees. The language in the private instruction suggests that the leaders of the Georgia corporation automatically considered colonial protests groundless. They stemmed not

⁴⁶ Ibid., 4: 416-17, 469-71.

⁴⁷ *Egmont Journal*, 230, 259-60.

⁴⁸ "Instructions to William Stephens from the Trustees for Establishing the Colony of Georgia in America," in E. Merton Coulter, ed., *The Journal of William Stephens* (Athens, Ga., 1958), 1: 261-63 (emphasis added). (Hereafter *Stephens Journal*)

from real deficiencies in government, but from a desire to overthrow Georgia's current rulers.

Stephens fit exactly the corporation's requirements for the job. He came from a wealthy, prominent English family and received a Cambridge education. Stephens sat in the House of Commons from 1702-1727 where he almost certainly made the acquaintance of Oglethorpe, Egmont, and other Parliamentary Trustees. All did not remain well with Stephens' life. Poor business decisions squandered the family fortune, and in 1728 he sold the family estate to pay his debts. His public life in England now finished, he turned to America for a fresh start. He took a 1736 commission to inspect a South Carolina land grant along the Savannah River, and on this trip he stayed briefly in Savannah. Stephens had education, experience, and—perhaps of utmost importance—personal loyalty to the Trustees for giving him a second chance.⁴⁹

Arriving in Georgia on 1 November 1737, the new Secretary quickly became embroiled in the controversy over property regulations. The malcontents at first saw his appointment as a belated response to their appeals and worked to win him over to their point of view. The same evening he first set foot in Savannah, Stephens met Robert Williams, an English merchant and a leader of the St. Andrews Club. Williams used the opportunity to “lay open his Mind pretty Freely.” He spoke “vehemently” against tail male land tenure and the slavery prohibition. Over the next few weeks, others engaged Stephens in similar conversations, some in favor of Trust policies, many against. To each dissatisfied person, he suggested that “their wisest Course would be to represent it in a

⁴⁹ For Stephens' background, see Phinizy Spalding, “Oglethorpe, William Stephens, and the Origin of Georgia Politics,” in Spalding and Jackson, *Oglethorpe in Perspective*, 83-86; Carole Watterson Troxler, “William Stephens and the Georgia ‘Malcontents’: Conciliation, Conflict, and Capitulation,” *Georgia Historical Quarterly* 68(1983): 3-4; and E. Merton Coulter, “Introduction,” in *Stephens Journal*, xiii-xv.

decent Manner to the Trustees.” However, he cautioned that they should not presume to suggest remedies to their superiors in London.⁵⁰

The men had already tried Stephens’ suggested path to reform. In September 1737, 44 members of a Savannah grand jury sent a representation to the Trust and the town was now awaiting word of its reception. While the document discussed the difficulty in cultivating lands and the scarcity of white servants, it did not specifically mention either the granting of land in fee simple or allowing slave ownership. It focused largely on the behavior of Georgia magistrates, which the grand jury claimed tended “to the Subversion of our Laws and Liberties.” First Bailiff Causton in particular, they said, had used his powers in ways “fatal to the liberties of British Subjects.” The paper concluded by asking the Trustees to seriously consider their desperate situation and act to help them out of the difficulties they labored under.⁵¹ Once again, the Trust refused to respond, waving away the accusations as “trivial” grumblings by men whose sole wish was “to be under no proper Subordination of Government.”⁵²

Secretary Stephens felt that an appearance of neutrality helped him acquire information. An impartial stance allowed him access to the nightly meetings of the St. Andrews club at Jenkins’ Tavern. It did not take long, however, for the malcontents to see through his facade. Stephens was a loyal paid agent of the Trustees and therefore likely to side with London in any dispute. He was also personally predisposed to distrust

⁵⁰ *CRG*, 4: 11-12, 15-17.

⁵¹ The grand jury petition is reprinted in Clarence L. Ver Steeg, ed., *A True and Historical Narrative of the Colony of Georgia by Pat. Tailfer and Others with Comments by the Earl of Egmont* (Athens, Ga., 1960), 74-79.

⁵² *Egmont Journal*, 323.

the motives of the Scots gentlemen who pushed for changes in colonial policy. Stephens in England had been a strong Tory, inclined to defend the established authority of the Crown and Church of England against threats from any source. In particular, many Tories linked religious innovation with sedition. In Georgia, Stephens discovered that a number of the malcontent leaders were protestant dissenters who did not join in religious worship conducted by Anglican ministers. These men he termed “Monkeys” and “Infidels” who only pretended to be Christians.⁵³

While appearing to listen sympathetically to the complaints of Tailfer, Williams, and other Club members, he quietly worked against them. During his first two months in Savannah, Stephens privately warned several unhappy families about the dangers of supporting the town’s disgruntled residents. He successfully “prevailed with some of them to believe [that they] only made use of ‘em as Tools to sere their own Ends.” Stephens began “to conceive good hopes I should see all this Ferment subside again in time.”⁵⁴ He suggested to the Trustees that one measure in particular could aid in squelching the influence of the St. Andrews Club—allow a limited change in land tenure. Maintain the prohibition against selling, leasing, or mortgaging the land, but allow Georgians to leave their lands to any male or female heir so long as they promised to occupy and cultivate them. This would give the appearance of compromise without granting full title to property. The slavery prohibition, too, would remain in place.

⁵³ William Stephens to the Trustees, 27 May 1738, *CRG*, 22 part 1: 166. On the prevailing views of English Tories in the era, see W.A. Speck, *Stability and Strife*, and Colley, *In Defiance of Oligarchy*.

⁵⁴ William Stephens to the Trustees, 20 December 1737, *CRG*, 22 part 1: 37.

Making this small concession, Stephens said, would remove the increasingly common opinion that the Trust did not care about the colonists.⁵⁵

Stephens' 1738 recommendation to the Trust set off the second major internal debate over land tenure. After previously opposing any alterations, Egmont this time urged his colleagues to adopt the proposal allowing daughters to inherit. Georgians were beginning to flee the province because they could obtain lands cheaply in other places without the same severe limitations on property ownership. The most common argument in favor of tail male—to provide a sizable number of white men for military duty—was no longer as effective after the government in 1737 approved a regular army regiment to garrison the colony. Egmont also cited “great clamours” in England against the Trust for excluding women since “tis no where done in America.” Should the corporation insist on maintaining the current land rules, it might prompt intervention by Parliament or the King. Even though “the people were ever So much in the wrong,” he argued, it was far better to satisfy the colonists with one small concession rather than risk losing control of the colony entirely.

Oglethorpe, then in England preparing to lead the newly formed regiment, argued to maintain the status quo. The malcontents would not feel satisfied with a small victory, he warned. They would see it as a sign of weakness and push even harder for fee-simple land ownership and slavery. If the Trustees altered the regulations, how could they maintain authority over people with “So certain absolute & legal a property?” Leaders of the St. Andrews Club or even South Carolinians would descend upon the newly secured inhabitants, buy up their lands, and then “make themselves Masters of all the affairs of

⁵⁵ William Stephens to the Trustees, 19 January, 1738, *ibid.*, 22 part 1: 75-76.

Georgia.” The Trust must, Oglethorpe insisted, force settlers to adhere to the terms of the covenants they signed when accepting their grants. Oglethorpe’s position won the day. No hint of this internal debate among the Trustees reached Georgia, as the majority chose not to explain their decision to retain tail male. Justifying themselves to their inferiors, they felt, was unfitting for gentlemen of high rank. Stephens and the magistrates were to answer any questions about land tenure by quoting from the text of land grant agreements signed by the colonists.⁵⁶

Georgians had waited in vain for the Trustees to respond positively to their requests. Instead, they now received nothing more than a repetition of existing regulations with a suggestion that in the future they obey the Trust’s authority. Conditions in the colony had not improved, and if anything, had become worse. Labor lost to constant alarms about imaginary Spanish invasions in 1736 and 1737 led to crop failures and food shortages. When outfitting a small scout boat in February 1737, William Horton of Frederica had to request help from the sloop-of-war *Hawk*, stationed off the coast. “We have not eight Days Provision of meat for the people here,” he explained to Captain James Gascoine, and had nothing to spare. If this request for food from the limited stores aboard a warship surprised Gascoine, he must have been startled to receive yet another letter from Horton in June. The settlers at Darien applied for food from Frederica’s official Trust store, but Horton could not apply since things were more bleak than in February. “Not having above four days provisions for the inhabitants of this place,” he

⁵⁶ *Egmont Journal*, 345-47.

pleaded with Gascoigne, “I cannot give him any Supply and must therefore desire if you can spare any Bread or Corn.”⁵⁷

The following year proved no better. A long drought set in throughout the spring, and the settlers did not have enough servants to limit the damage. Repeated false alarms about Spanish invasions pulled men away from their farms and sabotaged efforts to save the remainder of the year’s crops. By the time the rains came (far too late) in June, the damage was irreversible. Georgia again suffered a massive crop failure, and hunger became a constant, unwelcome companion to the province’s inhabitants. Observers from Carolina sensed the growing fear amongst the people that the situation could not be salvaged and that Georgia was doomed. Some inhabitants thought only of escape, but the charity settlers first needed to obtain permission to leave. The mood of the colonists dipped so low that even Oglethorpe found himself distressed by the hardships. That winter, he proclaimed that if anyone wished to flee the colony, “he would recommend them, and forward them on their way.”⁵⁸

In the first week of December 1738, Tailfer and Williams “accosted” Secretary Stephens and told him that they had just finished drawing up a formal presentation of their grievances. They intended to gather signatures from dissatisfied residents and petition the Trustees for immediate action. To make sure it arrived, Williams would carry it over and present it himself. When Stephens saw a copy of it, he expressed his shock that the Club would attempt “an absolute new Form of Establishment in the

⁵⁷ William Horton to James Gascoigne, 25 February 1737, James Gascoigne letter book, Frank Baker Papers, Duke University Library; Horton to Gascoigne, 21 June 1737, *ibid*.

⁵⁸ Undated excerpt from *The Gentlemen’s Magazine*, Margaret Davis Cate Papers, Georgia Historical Society, Savannah, Georgia, Folder 455.

Colony.” Two days later, much to his surprise, he noted that nearly everyone in Savannah approved of its contents. The malcontents hinted that if the Trust refused to take this representation seriously, they would lay it before the Privy Council.⁵⁹ On 2 January 1739, Stephens sent a copy of his daily journal to the Trustees. The accompanying letter gave the Trust reason to doubt the sincerity of both Tailfer and Williams. Tailfer intended “to set up for a Dictator” should the Club get what it wanted. Williams, wrote the Secretary, stood to benefit financially since his brother imported slaves into the West Indies. Georgia would give the Williams family a new market to exploit.⁶⁰

The final version of the December 1738 representation was one the Trustees could not ignore or dismiss as the work of a handful of schemers. One hundred and seventeen Savannah landholders, including three magistrates, attached their signatures to it. Most of the arguments were familiar, but this petition did mark a transition toward a more aggressive tone in the property controversy. The petitioners expressed “uneasiness” on the part of inhabitants that the Trust had not fairly considered previous pleas. Those appeals had asked only for the same “privileges as His Majesty’s most dutiful subjects in America enjoy.” The document raised the philosophical question of whether the Trustees or the colonists were better judges of what the province needed for success. The Trust’s regulations, the petitioners stated, established merely a “theoretical scheme” which “trial, practice, and experience” proved impracticable. The Trustees, therefore, must defer to

⁵⁹ *CRG*, 4: 242-44, 267.

⁶⁰ William Stephens to the Trustees, 2 January 1739, *ibid.*, 22 part 1: 368-69.

the superior knowledge of the settlers in light of their “woful experience” in Georgia.⁶¹

While the malcontents stopped short of calling for self-government, logic soon led towards that conclusion.

One supporter of the petition supplemented the appeal with a letter to James Oglethorpe, which he evidently intended to circulate publicly as well. Signed by “The Plain-Dealer,” the letter set forward in more detail the need for slavery and fee-simple land ownership. It stated that no one in England or America would blame the Trustees for making necessary alterations to their regulations. However, if no changes were forthcoming, “all the world would exclaim against that person or society who, through mistaken notions of honour or positiveness of temper, would persist in pushing an experiment contrary to all probability to the ruin of the adventurers.” No longer did the colonists beg the Trustees to grant their requests, they demanded them as their rightful privileges as British subjects. British liberties were not gifts from the Georgia corporation, and the malcontents now intended to “claim them as law, justice, and property.” The letter contained a vehement denial of Trust authority: “The Trustees are but a channel to convey us to the King’s rights and cannot in law or equity and, I dare say, will not abridge those rights.”⁶²

The Trustees responded both from London and from Georgia. Oglethorpe, who arrived back in the colony just before the malcontent petition, lobbied other towns to express their support of Trust policies. He made a tactical decision to focus on the slavery issue rather than land tenure, perhaps because the desire for fee-simple land

⁶¹ The document is reprinted in Ver Steeg, *A True and Historical Narrative*, 88-96.

⁶² The Plain-Dealer to James Oglethorpe, 6 January, 1739, *Oglethorpe’s Georgia*, 2: 379-87. The letter is usually attributed to Hugh Anderson, former keeper of the Trust’s garden.

ownership was more widespread and less controversial in Georgia. There were in 1739 only four settlements of sufficient size to be called towns: Savannah, Frederica, Darien, and Ebenezer. Frederica, where Oglethorpe and his 700-man regiment made their base, decided against any formal action. Darien and Ebenezer both submitted anti-slavery petitions.

Ebenezer had been settled by a large group of German Protestants, mostly from Salzburg. Scholars have often incorrectly attributed the Salzburger's antislavery sentiments to their religious beliefs. However, by 1748 they would join the proslavery side of the debate.⁶³ Their 1739 document, signed by fifty-one residents, objected to slavery on practical rather than moral grounds. An excessive number of slaves in Georgia, they said, would bring the danger of slave revolts.⁶⁴ This was undoubtedly a concern in Carolina, but the 1738 malcontent petition had asked for a limitation on the number of slaves allowed for exactly this reason. In truth, the Salzburger's in 1739 had nothing to gain and everything to lose by offending authorities in London. They had established a theocracy that operated largely outside the Trust's sphere of influence. No appointed officials or courts existed in Ebenezer. If any legal problems arose, "the Minister calls 3 or 4 of the discreetest Elders together, who in a Summary way hear and determine as they think it Just."⁶⁵ All they asked is that the Trustees send over more of their countrymen and then leave them alone. Indeed, the same letter which denounced

⁶³ For a summary of the incorrect assumptions about Ebenezer, see William L. Withuhn, "Salzburger's and Slavery: A Problem of Mentalite," *Georgia Historical Quarterly* 58(1984): 173-93. An alternative view that sees the Salzburger's as sincere and consistent opponents of slavery, see Betty Wood, *Slavery in Colonial Georgia* (Athens, Ga., 1984), p. 59-73.

⁶⁴ Inhabitants of Ebenezer to James Oglethorpe, 15 March 1739, *Oglethorpe's Georgia*, 2: 398-99.

⁶⁵ "State of Ebenezer," Egmont MSS, 14203 part 2: 111.

slavery included a request for the Trust to finance the transport of another shipload of Salzburgers. They enjoyed more local control than did the people of Savannah, and siding with the malcontents or remaining neutral might jeopardize that independence.⁶⁶

The petition from eighteen Scottish highlanders at Darien attracts more historical attention than the Ebenezer letter. The document lists five reasons for keeping the province's slavery prohibition. The first four discuss problems of military defense and the risk of people becoming indebted to slave traders. Of particular interest is the fifth and final section, which reads, in part:

It is shocking to human Nature, that any Race of Mankind and their Posterity should be sentenc'd to perpetual Slavery; nor in Justice can we think otherwise of it, than that they are thrown amongst us to be our Scourge one Day or other for our Sins . . .

These sentiments seem more suited for the 1770s than the 1730s and suggest that slavery was not universally viewed as a morally neutral institution. However, there is reason to doubt the sincerity of this particular declaration. A modern historian who investigated the events surrounding the Darien petition concluded that Oglethorpe may have written it himself and then bribed people to sign it. This research apparently confirms a charge first leveled by the malcontents.⁶⁷

While Oglethorpe worked in Georgia, the Trustees in London began drafting their first formal response to a malcontent petition. The final version met with the corporation's approval on 20 June 1739 and was dispatched to the colony to be publicly posted. One-

⁶⁶ On the Salzburger settlements in Georgia, see George Fenwick Jones, *The Georgia Dutch: from the Rhine and Danube to the Savannah, 1733-1783* (Athens, Ga., 1992).

⁶⁷ Harvey H. Jackson, "The Darien Antislavery Petition of 1739 and the Georgia Plan," *William and Mary Quarterly* 3rd series 34(1977): 618-31; On the background of the Darien settlers, see *Scottish Highlanders in Colonial Georgia: the Recruitment, Emigration, and Settlement at Darien, 1735-1748* (Athens, Ga., 1997).

third of the brief response is devoted to refuting the malcontents' proslavery arguments. Slavery would destroy all industry in the province by encouraging laziness in the white population, just as it had in South Carolina, said the Trustees. Carolina was empty of whites, filled with blacks, and was therefore helpless against both domestic insurrection and foreign invasion. Planters had sacrificed their future to import slaves, "who are now become the terror of their unadvised masters." If Georgians imported black labor, they too would invite a potential enemy into their midst. The Trust accordingly concluded that it could not give in to colonial demands without fatally undermining the colony.

The other two-thirds of the response is an extended attack on the motives and characters of those who signed the 1738 malcontent petition. The Trustees expressed their surprise that the people had joined in a scheme of "extorting by clamour" changes in Georgia's rules and government. In particular, they singled out for censure the three discontented magistrates for forgetting their duty to their superiors in London. The actions of all the signers, the response claimed, bordered on treason. The King had approved the slavery prohibition, and his charter had given the Trustees authority to regulate land tenures. The constitution framed by the Trust, derived from royal authority, had been framed for the good of the colonists. Those settlers who could not see this were "unfit for the trust reposed in them by His Majesty." They were lazy, greedy would-be black overlords who "would put it into their power to become sole owners of the province." By contrast, the Trustees pointed out, the noble and industrious citizens of Darien and Ebenezer had written in opposition to slavery. The Trustees closed by

suggesting that the two sides leave it to future generations to decide whether Georgia's property regulations helped or hindered the colonists.⁶⁸

Dissidents in Georgia were unwilling to wait that long. Three major developments in the fall and winter of 1739 sparked a new flurry of activity. On 8 September, word arrived that Spain and England had gone to war with each other. On the 13th, a ship from Charleston brought news of a serious slave insurrection at Stono, South Carolina. The events not only threatened the province with invasion, but also gave new life to the Trustees' arguments about the military necessity for property restrictions. Finally, the Trust's response to the 1738 petition on slavery and land tenures arrived later that year.. Oglethorpe optimistically wrote that, upon its publication, it "hath had a very good effect," and its strong language succeeded in quelling "the troublesome spirit."⁶⁹ His analysis of the situation proved inaccurate. Secretary Stephens shortly thereafter attended a meeting of the St. Andrews Club. There, Savannah's self-styled "Gentry" (as Stephens often called them) spent a "pretty while" picking the Trust's answer to pieces before declaring it to be an unjust response to their petitions.⁷⁰

These three setbacks—war, insurrection, and dismissal of their petition—led many malcontent leaders to conclude that reforms would come very slowly, if at all. One by one, some of the most prominent members of the Club fled Georgia and took refuge in South Carolina. The malcontent exodus of 1740, Stephens wrote, was viewed by "some few, very few" as a loss to the province. He and other "people of more discernment,"

⁶⁸ Ver Steeg, *A True and Historical Narrative*, 112-14.

⁶⁹ James Oglethorpe to the Trustees, 20 October 1739, *CGHS*, 3 part 2: 89.

⁷⁰ *CRG*, 4: 406-07, 412, 470. Stephens frequent use of "gentry" to describe the malcontents is significant as it reinforced the Trustees' fears of colonial power.

however, viewed it as addition by subtraction. Though some dissatisfied settlers remained in Savannah, he hoped that the departure of the old guard might spell the end of party strife.⁷¹ While many of the emigrants abandoned the land, though, they did not intend to give up their campaign.

Tailfer, Williams, and other malcontents had close ties to South Carolina planters and merchants. In their attacks on the malcontents, the Trustees frequently suspected that Carolina slave traders had orchestrated the disturbances in Savannah. Georgia dissidents had previously received invitations from their neighbor to move North in search of better opportunities. Now as the emigrants trickled into Charleston, they organized a new pressure group made up of exiles. Within weeks of their arrival, they began warning everyone who would listen away from Georgia, “where all People that were left were starving, and the Place must soon be depopulated.”⁷² Within months they began work on a book recounting the history of Georgia and their efforts in opposition to the Trustees’ property regulations.

The Trust’s harsh, abrupt disapproval of the 1738 petition ushered in a third stage in the controversy over property ownership. The first stage (before 1735) had involved individual complaints about colonial policy, sometimes directed at individual Trustees. During the second stage (1735-39), malcontents combined to draft formal appeals to the Georgia Trust as a whole. In the third stage, settlers organized appeals not only to the Trustees, but also to the English government and public. The key individual in this phase of the conflict was a convert from the other side—Thomas Stephens, third son of

⁷¹ Ibid., 4: 465, 655.

⁷² Ibid., 4: 240, 662.

Secretary William Stephens. In his first few months as his father's assistant, the younger Stephens seemed well disposed toward the Trustees and their policies. Slowly, though, as he observed the problems of the colony, his attitude began to change. His final disillusionment came in March 1739 when he attempted to cash a legally obtained third-party note at the Regimental Store. When the quartermaster refused payment, Stephens suspected a swindle and reported the incident to the magistrates for investigation. He saw this as both a proper and prudent thing to do, exercising his legal rights while showing due deference to established authority. General Oglethorpe got word of the incident and soon descended upon the Stephens household. In full view of the father, the General rebuked the son and accused him of trying to embezzle money from the Crown. Only the Secretary's intervention prevented young Stephens from being shipped to England in chains.⁷³ These events shocked Thomas and convinced him of the justice of the malcontents' cause. The Trustees, he believed, had indeed deprived Georgians of their liberty.

Just a few months after his confrontation with Oglethorpe, Thomas Stephens left for England, ostensibly to recover from health problems developed while in America. When he reached London in October 1739, he went before the Trustees and gave a "fair account" of Georgia. Evidently he felt uncomfortable under the gaze of so many gentlemen, since two days later he approached Egmont privately with very different information. Stephens explained that the whole province desired slavery and suggested that anti-slavery petitions from Georgia were the result of Oglethorpe's bribery and bullying. More people fled the colony every day, he reported, and others pledged to

⁷³ Ibid., 4: 295-98.

follow in the future unless conditions changed. Stephens did not ask for an alteration in slavery or land tenures in the conversation. Rather, it appeared he was trying to find out whether Egmont was sympathetic or spiteful towards the malcontents. Egmont's answers in this first meeting did not seem to reveal any particular distaste for Georgia's dissidents.⁷⁴

Egmont and Stephens dined together a couple of weeks later while the latter tried to figure out the Earl's willingness to discuss alterations in Trust rules. Finally, on 5 November 1730, Thomas approached Egmont with another account of the colony, this time offering concrete remedies for its ills. The colony was miserable, he stated, and would surely waste away without the labor of black slaves. The Trust's answer to the 1738 petition was unsatisfactory, and recent revisions in land tenure rules—allowing lots of 80 or more acres to be left to any unmarried daughter if no sons existed—was so full of restrictions it was still insufficient to make people secure in their property. Besides, it made almost no changes in terms for the vastly more numerous 50 acre grants.⁷⁵ Only the liberty of fee-simple ownership could ease the minds of Georgians.

If Stephens expected Egmont to be receptive to these suggestions, his hopes were dashed. Egmont fired back that full title to lands “would never be suffered,” as the consequence would be land speculation and profiteering. Neither he nor the majority of the corporation could trust the settlers to manage their own financial affairs. If they granted lands in fee-simple, merchants would deceive the inhabitants into selling without any restraint and therefore cheat children out of their inheritances. The province might

⁷⁴ *Egmont Diary*, 3: 84-86.

⁷⁵ For analysis of the multiple minute changes the Trust made in land regulations see Milton L. Ready, “Land Tenure in Trusteeship Georgia.”

lose as many as three out of four people, and the one-fourth remaining would set themselves up as absentee gentry landlords. This the Trustees could not allow.⁷⁶

Evidently Stephens chose not to push the matter immediately because on 16 November 1739 he received £50 for his services in Georgia.⁷⁷ It is reasonable to infer that he used this money to launch the next part of his plan. His confrontation with Egmont convinced him to abandon appeals to the Trustees. Now he took his case to a higher authority—Parliament. In late 1739 and early 1740, the Georgia corporation was preparing its annual petition to the Commons for money and anticipated the same easy victory it had achieved for the previous five years. After all, first minister Robert Walpole supported the monetary grant, though largely in the hopes he could in turn sway Parliamentary Trustees to vote for his measures.⁷⁸ Stephens decided the best strategy lay in convincing the House to reject the Trust's money petition. Such a defeat might force changes in Georgia, or perhaps even persuade the Trustees to surrender their charter entirely.

A week after receiving his £50, Stephens handed the Trustees a long letter sharply critical of their administration of Georgia. The contents of this letter formed the basis for a small pamphlet that he distributed to members of Parliament in January 1740. Called "Observations on the Present State of Georgia," it charged the Trustees with deliberately pursuing policies harmful to the colonists. He accused the Trust of reserving the best lands for its own use and giving the settlers restricted titles to poor quality acreage. They

⁷⁶ *Egmont Diary*, 3: 86-88.

⁷⁷ *Ibid.*, 3: 92.

⁷⁸ Dunn, "Trustees of Georgia and the House of Commons."

did this “with a design to keep People Low and under a Necessity of Constantly working hard for their Bread, lest by Living more at their Ease they might employ their time in mischievous Contrivances against the Government.” It was through the annual grants by the Commons that the Trust supported its arbitrary government in Georgia. Only Parliament, therefore, possessed the power to intervene in defense of British liberties.⁷⁹

One of the men given the pamphlet was Lord Gage, a political opponent of Walpole. Whether he felt genuine concern for Georgia’s inhabitants or merely saw an opportunity to embarrass the ministry is unknowable, but Gage took action quickly. On 4 March 1740, he rose in Parliament and made a motion to force the Georgia Trustees to submit to the House all letters and memorials received in the past two years. He then produced a copy of the 1738 malcontent petition and read several paragraphs from it to the assembled members. In particular, Egmont noted, Gage focused on those passages “that bore hardest on the Trustees’ management.” Others also expressed their support for Gage’s motion using arguments very similar to those of the Georgia malcontents. Parliamentary Trustees soon recovered their composure and spoke up in defense of tail male land tenure and antislavery. The following day when Gage renewed his motion, Egmont noticed with a “heavy heart” that the leaders of Walpole’s majority sat silent. The Commons eventually voted £4,000 for the province, but one member warned that if things continued on the present footing soon “there would not be a man for giving a farthing” when the Trust next applied for money.⁸⁰

⁷⁹ *Egmont Diary*, 3: 105; Thomas Stephens, “Observations on the Present State of Georgia,” in Egmont MSS, 14210: 162-67.

⁸⁰ *Egmont Diary*, 3: 108-13.

Members of the Georgia Trust knew that Thomas Stephens lay behind the furious debate. Egmont condemned him as a “rash vindictive fool,” whose main purpose was to overthrow the Trustees’ authority and make himself a leader of the colony. Now that doubts had been raised in a public forum, the Trustees knew that their administration of Georgia would come under increasing scrutiny. Indeed, a few of them even desired a Parliamentary inquiry, feeling that they could more than adequately justify their conduct and remove the stain on their reputations. Though Stephens did not achieve his goal that year, his fight with the Trustees was now well under way.⁸¹

The following January, as the Trustees began preparing their 1741 petition for money, Stephens again launched his self-appointed campaign to destroy the Trust’s reputation. He circulated new critiques of Georgia’s administration among Parliament members and was seen “in close whisper with Lord Gage.” Young Stephens’ writings evidently had some impact on political opinion, as two previously friendly MPs approached the Trustees and questioned the propriety of land and slavery restrictions in the colony.⁸² On 28 January 1741, the Trusts’ official request for £10,000 aroused significant opposition from those who wanted an investigation into Georgia’s affairs before voting on the question. After a sharp debate, the chairman called for a voice vote on the Trustee petition and judged it, in Egmont’s words, “very impertinently and uncommonly for the Noes.” A Parliamentary Trustee shot out of his seat and demanded a division, which ended 115-75 in favor of the appropriation. From this second defeat, Thomas Stephens concluded that he needed two things to secure victory in 1742: more money and official

⁸¹ Ibid., 3: 105, 114-115.

⁸² Ibid., 3: 182-83.

status as a Georgia agent. The first would allow him to take his campaign to a wider audience. The latter would give him the aura of legitimacy he currently lacked.

Accordingly, he left London for Savannah in April 1741.⁸³

In the winter of 1740-41, the major developments in the contest for Georgia happened not in London, but in America. First, in December 1740, colonial opponents of the Trustees' administration drew up three petitions—two from Savannah and one from the exiles in Charleston. Though two were addressed to the Trustees, they were undoubtedly intended to circulate in the colonies and in England. The third was addressed to “King George II or Parliament.” After offering familiar arguments about the negative impact of slavery and property limitations, they concluded with a list of proposed reforms. They also introduced a new element into the debate: the desire for self-government. Among the proposed remedies, the petitioners asked for “the liberty of choosing our own Magistrates.” This in particular they considered “so agreeable to the nature of Britons and as we humbly think so consistent with the constitution of our native land.” The current appointees in the province, they said, violated the laws of Great Britain and acted “contrary to the famous Declaration of Rights made by our forefathers at the Glorious Revolution.” Making them accountable to the public would limit their ability to act in arbitrary and tyrannical ways. Finally, the petitioners asked that constables and tythingmen be under the command of the general body of the Trust and elected officials only—a measure probably intended to eliminate Oglethorpe's personal influence over Georgia's officials. Here in clear terms the colonists explicitly asserted their understanding of the ties between property, liberty, and authority. Liberty entitled them

⁸³ Ibid., 3: 184-85.

to unrestricted control over their property, and landownership gave them the right to exercise a significant degree of local authority in government.⁸⁴

The second major development was the 1741 publication in both England and America of a book written by three Charleston exiles: Patrick Tailfer, Hugh Anderson, and David Douglas. A South Carolina edition appeared in the Spring, with a London edition following it in December. Entitled *A True and Historical Narrative of the Colony of Georgia in America*, it was a satiric, clever, and cutting thrust at Georgia's governors. Tailfer's work probably did more than any other single published piece to blacken the reputation of the Trust. Like most effective political polemics, the piece employed inflammatory and exaggerated rhetoric designed to evoke shock and sympathy among British readers. The Trustees would work hard over the ensuing years to respond to the book's devastating attacks. Egmont acquired a copy and inserted 351 often-lengthy marginal comments refuting the piece and criticizing its authors. He then circulated it among his fellow Trustees. Egmont frequently described the work's content and tone as "insolent" and "impertinent."⁸⁵

The Tailfer book began with a mocking dedication to James Oglethorpe, the "principal Author of [Georgia's] present Strength and Affluence, Freedom and Prosperity." So long as he remained in the colony, they need not fear for their rights and privileges as his and the Trustees' "concern for our perpetual Welfare could never permit [them] to

⁸⁴ From the Inhabitants of Savannah to the Trustees, 22 November 1740, *Oglethorpe's Georgia*, 2:485-91; From Hugh Anderson and Others to the Trustees, 2 December 1740, *ibid.*, 2: 491-96; A Petition to King George II or Parliament, 29 December 1740, *ibid.*, 2: 513-24.

⁸⁵ Oglethorpe's comments are interspersed throughout the text in Ver Steeg, *A True and Historical Narrative*. For just one example: Egmont dismissed appeals to higher authority in England as "an insolent procedure in a few Malecontents to accuse the Trustees their Masters," (155).

propose such transitory Advantages for us.” With thick sarcasm, they professed thanks that Trust rules kindly “protected us from ourselves, . . . by keeping all earthly Comforts from us.” They further observed that:

The Toil that is necessary to our bare Subsistence must effectually defend us from the Anxieties of any further Ambition: As we have no Properties to feed Vain-glory and beget Contention, so we are not puzzled with any system of Laws to ascertain and establish them: The Valuable Vertue of Humility is secured to us by your Care, to prevent our procuring, or so much as seeing any Negroes, (the only human Creatures proper to improve our Soil) lest our Simplicity might mistake the poor Africans for greater Slaves than ourselves.⁸⁶

The authors concluded the dedication by assuring Oglethorpe that his exploits would not be overlooked. He should expect notice from “higher Powers, who (we are hopeful) will reward Your Excellency according to your MERIT.”

A True and Historical Narrative accused the Trustees of misrepresenting Georgia as a land of prosperity, governed by the laws of England. When the colonists arrived, they instead found themselves “deprived of the liberties and properties of their birthright.” Should they dare to complain, “Irons, whipping-posts, and gibbets . . . were provided to keep the inhabitants in perpetual terror.” According to the authors, Georgia magistrates warned disobedient settlers that they did not own their lands, and that they could lose their grants at any time. As Causton allegedly stated, “the Trustees gave, and that the Trustees could freely take away.” In short, the book accused the Trust of purposefully designing “a colony of Vassals whose property and Liberty were at all times to have been Dispos’d of at the Discretion or Option of their Supperiors.”⁸⁷

⁸⁶ Ver Steeg, *A True and Historical Narrative*, 4. Emphasis in original.

⁸⁷ Ibid., 17, 59, 65, 129.

The Trustees moved to counteract the new petitions and *A True and Historical Narrative*. They flatly refused to consider elections for any office in the colony. To do so would be a surrender of power to a colonial elite—precisely what they had worked to prevent over the previous decade. To reinforce their authority, the corporation decided to make an example out of John Fallowfield, one of Savannah’s Bailiffs. Fallowfield had been chastised for signing the 1738 petition, but nevertheless decided to put his name on the two 1740 Savannah petitions. The Trust dismissed him for heading a discontented party, helping the malcontents become “dictators,” and “forgetting the Duty of a Magistrate to preserve Peace and the Authority of Government.” Generalizing about the malcontent movement as a whole, their letter to Fallowfield concluded with a declaration that “Persons not content with Government are equally unable to govern themselves, as chuse their own Governors.”⁸⁸

Fallowfield fired off an equally unyielding reply. For years, he had done everything they asked of him, no matter how unreasonable or unpleasant. He had witnessed firsthand how the Trustees had abused their authority, and been proven unfit to rule the province. “We are able to govern ourselves,” Fallowfield declared, “and think you unable to choose governours for us, as we best know the people and who is fittest for the Magistracy.” The Trust’s choice of officials was as destructive as their “bad titles to the lands and the prohibition of the use of Negroes.” As to the new Bailiff sent over, Fallowfield judged him utterly lacking in legal knowledge, his sole qualification being loyalty to the Trustees. Perhaps the corporation cared to send another such man to work on behalf of the people, Fallowfield asked? He personally was glad to leave his office,

⁸⁸ Harman Verelst to John Fallowfield, 16 February 1742, Egmont MSS, 14212: 63.

ridding himself of his final connection to the Trust's interest. He hoped soon that "His Majesty King George the Second will take the Trust off your hands, which would give us the utmost pleasure."⁸⁹

With their response to the 1740 petitions delivered, the Trustees turned to answering the charges leveled in Tailfer's book. They did this in two ways: through reasoned argument and through character assassination. First, the Trustees played on English fears of mob rule by portraying the malcontents as a handful of scheming demagogues aiming at the destruction of order and lawful government in the colony. Their goal was to fool weak-minded settlers into rebelling against England and the King. According to reports from America, the Club intended to "oppose all Authority, which they judged to be illegally executed, if it did not agree with their Humours." They "endeavour'd to overturn all order and Government" by "setting at nought that Authority, whereby alone the Peace of the Colony can be preserved." Oglethorpe even expressed his belief that Thomas Stephens was a paid agent of the Spanish government.⁹⁰

The Trustees additionally characterized dissidents as lazy, blasphemous, and dishonest. Their objections to current regulations had nothing to do with the common good of the colony. They were angry because the Trustees would not, in the interest of Christian compassion, allow the schemers to live off the fruits of other men's labor. If the Club succeeded in casting out existing authorities, the Trust warned, these plotters

⁸⁹ John Fallowfield to the Trustees, 27 July 1742, *Oglethorpe's Georgia*, 2: 639, 641-42.

⁹⁰ *CRG*, 4 supplement: 128, 198; Thomas Jones to General Oglethorpe, 30 July 1741, *ibid.*, 23: 80; James Oglethorpe to the Trustees, 12 February 1743, *CGHS*, 3 part 2: 142.

would buy up everyone's lands and make themselves into the dictators of the province.⁹¹

Already they played at being Gentry, parading through the streets of Savannah in their finery as if they were masters of the place. According to the Trust's sources, The Club was now growing so confident in its ultimate victory that its members assured Georgians that "they would soon have a new set of Men in Power here." Overall, the Trustees argued, the actions of their colonial critics were based not on legitimate grievances, but amounted instead to "an impudent attempt to subvert the original constitution of the colony."⁹²

Betty Wood has studied the malcontents' backgrounds, and concluded that the movement was widespread and spanned every social class. The Trust's own documents prove that the petitions were not the work of a small knot of rich slave traders. Of the 212 inhabitants who signed a major protest, only 81 (38.2%) were adventurers wealthy enough to pay their way to America. True, Tailfer, Williams, Fallowfield and other leaders made their way to Georgia at their own expense. However, the majority of the dissidents were charity settlers or former servants who had no hope of setting themselves up as slave merchants. As Wood writes, "A curious equality seems to have pervaded the movement which sought to introduce a plantation society."⁹³ Unhappy settlers did not necessarily view slavery and fee-simple land tenure as ends, but also as a means of achieving a more favorable balance between liberty and authority.

⁹¹ For many years, this too was the dominant view among scholars. One of the first to challenge this assumption and take the malcontent arguments seriously was David M. Potter, Jr., "The Rise of the Plantation System in Georgia," *Georgia Historical Quarterly* 16(1932): 114-35.

⁹² *CRG*, 4 supplement: 195; William Stephens to Harman Verelst, 26 July 1739, *ibid.*, 22 part 2: 189.

⁹³ Wood, "A Note on the Georgia Malcontents," *Georgia Historical Quarterly* 63(1979): 264-78.

The Trustees did not rely solely on character attacks to defend themselves and their policies. In addition to raising questions about the motives of discontented Georgians, the Trustees also presented well-reasoned arguments to rebut the accusations against them. They accomplished this through the publication of three pamphlets in 1741 and 1742, two of them penned by Martyn, their London secretary. His writings offered strong point-by-point refutations of the major criticisms levelled by the St. Andrews Club. Far from neglecting the colony, Martyn said, the Trustees were doing everything they could “for the Welfare of the People, and to give them a Spirit of Industry.” Georgia’s land tenure rules kept people from mortgaging and losing their property to creditors. Slavery was unnecessary since the soil was fertile enough to yield profitable crops without black labor. Lifting the slave prohibition would make the province vulnerable to slave revolts while bringing no benefits over those provided by white labor. Martyn also offered a positive general overview of the colony, portraying it as a promising settlement with limitless potential. True, he admitted that Georgia’s economy had not developed as quickly as many hoped, but he attributed the delay to wartime threats from Spain, not Trustee policies.⁹⁴

The third pro-Trustee publication was the 1742 printing of *A State of the Province of Georgia*, drawn up by William Stephens two years earlier. Originally designed to refute the negative description of Georgia given in the 1738 pro-slavery petition, it now fit well into the current pamphlet war. It painted a rosy picture of the colony’s present and future progress. Apparently even settlers happy with Georgia’s administration found the

⁹⁴ Benjamin Martyn, *An Impartial Enquiry into the State and Utility of the Province of Georgia* (1741); Martyn, *An Account Shewing the Progress of the Colony of Georgia in America from its First Establishment* (1741). Both are reprinted in Reese, *Clamorous Malcontents*, 125-180, 181-258.

account unrecognizable. The malcontents could point out with great effect that where their 1738 petition boasted over 100 signatures, only 25 inhabitants signed Stephens' statement.⁹⁵

While the literature battle raged in London's coffeehouses, Thomas Stephens calmly set foot back in Charleston in August 1741. He spent several weeks there in meetings with the Georgia exiles. He wrote a quick note to his father, but revealed no hint of why he returned to the American colonies after a two year absence. Secretary Stephens correctly feared that his son meant to "give his helping Hand to every Design formed in Opposition to the Honourable Trust." When Thomas made his way to Savannah in late September, he brought the expected bad tidings. The lieutenant governor and Council of South Carolina were preparing a petition asking the King to revoke Georgia's charter and institute a government similar to those in other provinces. From his son's manner, William Stephens suspected Thomas of promoting the action.⁹⁶

The Savannah malcontents gathered together and, by a vote of 26-2, formally elected Thomas Stephens to act as their agent in England. At the same time, they held another contest for a five man Committee of Correspondence to communicate with their new agent after he returned to London. William Stephens took particular note of the election process as a sign that the dissidents would not accept "any Government whatever, except of their own creating." Thomas then took a copy of his appointment to Charleston to seek input from the exiles there and collect signatures. In all, 120 current or former Georgia residents signed their names to his letter of appointment. To fund his campaign

⁹⁵ *A State of the Province of Georgia* (1742), reprinted in Reese, *Clamorous Malcontents*, 3-22.

⁹⁶ *CRG*, 4 supplement: 234, 239, 253.

against the Trust, his Savannah supporters (including some too timid to sign his commission) provided him with over £60. Sympathizers managed to raise “a much larger Sum in Carolina.”⁹⁷

Young Stephens’ instructions authorized him to use his discretion in petitioning for a redress of grievances against Georgia’s administrators. The only method forbidden to him was contact with the Trustees. First, Stephens was to see that “a regular Government be established in Georgia, as in others of his Majesty’s Provinces in America.” In addition, he should demand an end to all restrictions on property. Georgia land grants should be as extensive as those in South Carolina, and held on terms equal or superior to those of that colony. Finally, slavery should be allowed “under such Restrictions as shall be thought proper.”⁹⁸

When Georgia’s new agent returned to England in February 1742, he found that Tailfer’s book had exactly the impact that malcontents hoped. Despite efforts to defend themselves, the Trustees found their reputations blackened by accusations of tyranny and arbitrary government. Egmont approached the Earl of Wilmington, Lord President of the Privy Council, in January to get his views on the Trust’s upcoming Parliamentary request for funds. Wilmington had read Tailfer’s work and been swayed by its arguments. He criticized tail male land tenures and questioned the wisdom of the slavery prohibition. These observations quickly put Egmont on the defensive. Wilmington pushed him into admitting that slave labor was cheaper than white labor. Further, Egmont indicated that if

⁹⁷ Ibid, 4: 258, 263-64; Thomas Jones to Harman Verelst, 26 April 1742, *ibid.*, 23: 293-94.

⁹⁸ Stephens commission is in Egmont MSS, 14206: 43-47. It was reproduced in Thomas Stephens, *A Brief Account of the Causes that have retarded the Progress of the Colony of Georgia* (London, 1743) reprinted in Reese, *Clamorous Malcontents*, 338-40.

Parliament or the King ordered them to allow slavery, the Georgia corporation would submit. But if that happened, he said, the Trustees could not be held responsible for any mischief that ensued. Until ordered otherwise, the Trust would maintain its slavery prohibition.⁹⁹

Other signs spelled trouble ahead for the Georgia corporation. Egmont wrote Oglethorpe on 11 March 1742 that the Scotch Society at Edinburgh refused to send any more ministers to tend the highlanders at Darien unless the Trustees changed their policies. He also reported that prominent malcontent leaders such as Robert Williams and Andrew Grant lurked about London ready to give testimony against the Trust and their magistrates in America. Two days later, the city of Bristol sent a representation to London asking the House of Commons to force the Trustees into “such Salutory Alterations as by Parliament shall be thought proper, such as a fee simple to their lands, a Council and Assembly to be chosen out of the people, and in other respects to enjoy the British Privileges as his Majestys other Colonies do.”¹⁰⁰

As Richard S. Dunn has noted, the Trustees began their 1742 money petition effort at a grave disadvantage. Ten Parliamentary Trustees lost their House seats in the General Election of 1741. Walpole’s resignation as first minister in early 1742 also robbed them of a potential ally. Perhaps to compensate for these losses, the three new Common Council members chosen in February all served in Parliament. This last minute effort to shore up support proved insufficient.¹⁰¹ On 15 March, the Trustees’ worst fears came

⁹⁹ *CRG*, 5: 583-84, 586.

¹⁰⁰ Earl of Egmont to General Oglethorpe, 11 March 1742, Egmont MSS, 14212: 74; Inhabitants of Bristol to Sir Abraham Elton Bart. & the Honble. Edward Southwell Esqr., 13 March 1742, *ibid.*, 14212: 75-76.

¹⁰¹ Dunn, “Georgia and the House of Commons,” 562-63; *CRG*, 5: 597.

true. They presented their money request to the Commons, which promptly voted it down. Thomas Stephens and the malcontents had achieved their first major victory in their campaign against the Trustees. In despair, Egmont wrote: “the petition being lost, the colony is lost with it.”¹⁰²

Though a significant triumph, this Parliamentary action did not satisfy Thomas Stephens. He wanted the Government to launch a full inquiry into the administration of justice in Georgia. Following this, he expected English authorities to force alterations in the Trustees’ regulations. On 1 April 1742 he petitioned the Privy Council for intervention against the “many Arbitrary and Illegal Proceedings which have hinder’d the Progress of the Colony.” On 30 April, Stephens also took his case to Parliament. He was careful not to appear impertinent by suggesting concrete solutions, but merely asked the House of Commons to “Grant such Redress, as to Your Great Wisdom shall seem meet.”¹⁰³ He would pursue his constituents’ interests before whichever of the two bodies acted first. The Privy Council referred the petition to the Board of Trade, who seemingly let the matter drop after hearing the Trustees’ response.¹⁰⁴ Parliament showed more interest in the matter.

Also in April, Stephens bolstered his campaign with a harsh polemic entitled *The Hard Case of the Distressed People of Georgia*, in which he charged the Trustees with both incompetence and deceit. They had lied to themselves and to the world about the horrible conditions their policies caused in the colony. Uncertainty in land tenures

¹⁰² *Egmont Diary*, 3: 261.

¹⁰³ Thomas Stephens to the Honourable The Commons of Great Britain in Parliament Assembled, 30 April 1742, Egmont MSS, 14212: 94-95.

¹⁰⁴ Lords of the Committee of Council for Plantation Affairs to the Trustees, *ibid.*, 14212: 93; *CRG*, 1: 396.

discouraged industrious settlers who thought it unjust to risk their fortunes “on such a fluctuating Bottom as the Humours and Integrity of frail Men.” Children should not have to beg the Trustees for an inheritance “which they owe naturally and legally to succeed to, as the Sons of Britons, and Heirs to the Properties and Liberties of their Fathers.” Furthermore, the Trust’s prohibition of slavery, Stephens argued, deprived the colonists of the labor they needed to survive. They did all of this with full knowledge of the destructive consequences. Why should British citizens, possessed of “common and unalienable rights,” be made “slaves to the Ambition and Government of designing men in a foreign Land?” He appealed to Parliament to intervene and rescue Georgians from “Oppressions, Violences, Frauds, Impositions, and wicked Exercises of Power” by the Trustees and their representatives. If the Commons refused to save Georgia, he concluded, instead let them grant money to carry the inhabitants to another part of the commonwealth.¹⁰⁵

The Trustees saw this publication as too great an impertinence. They would not just refute Stephens; they would seek his condemnation by Parliament. On 30 April, Edward Digby stood in the Commons and objected to “a virulent Libel printed by Stephens against the Trustees (call’d the Case of the people of Georgia).” He asked that the assembled gentlemen summon Stephens and question him about its contents. Digby’s speech did not impress the House. Instead, an opposition member stood and introduced Stephens’ petition for the Commons to intervene in Georgia. Parliamentary Trustees were stunned when one of their number, George Heathcote, supported the malcontent accusations. Heathcote informed the House that he had distanced himself from the Trust

¹⁰⁵ Stephens, *Hard Case*, in Reese, *Clamorous Malcontents*, 259-71.

because of his discomfort with the corporation's land tenure and Indian trade policies.

Egmont's son, now himself a member of Parliament, suggested that the entire House hear evidence from both Stephens and the Georgia corporation before taking action.¹⁰⁶

Parliament listened to the malcontents' witnesses and counsel on three occasions in May 1742. Egmont's son gloomily reported that Stephens' evidence "made great Impression on the house, and that there was a disposition to take the Colony out of the Trustees hands." Stephens counted among his supporters Thomas Coram, an original corporation member who had voiced his disapproval of property restrictions as early as 1734. In mid-June, the Trust representatives presented their case and left Parliament to its deliberations. In just a matter of days the Commons reached a decision. Members adopted six resolutions, mostly in favor of the Trust. Four of them declared the colony's usefulness to the mother country. Another resolution found Thomas Stephens guilty of "false Scandalous and Malicious Charges, tending to Asperse the Characters of the Trustees."¹⁰⁷

On 30 June 1742, ten years to the month after the granting of Georgia's colonial charter, Thomas Stephens was ushered into Parliament and made to kneel before the Speaker of the House of Commons. The Speaker chastised him for a full half hour before dismissing him. After receiving his censure, Stephens stood, exited the chamber, and was "seen to smile as he came out of the house."¹⁰⁸ He never expected Parliament to openly side with the malcontents, condemning their fellow gentlemen in the process. His

¹⁰⁶ *CRG*, 5: 615-16.

¹⁰⁷ *Ibid.*, 5: 619, 633, 635-36, 639.

¹⁰⁸ *Ibid.*, 5: 642.

task was to diminish the Trust's reputation in England and raise doubts about Georgia's current administration. In this, he succeeded. As one of the Trust's correspondents noted: "tho' your Honours had brought him on his Knees . . he had Cast you on your Backs and left such a Stigmas [sic] upon you as you would never be able to away." The Trustees lost "that glory and fame which the prosperous success of the colony would have crowned them with."¹⁰⁹ Stephens, undaunted by his punishment, made it clear that "he [was] immediately going to renew the attack." Indeed, the very next day Trustees spotted him chatting with his Parliamentary supporters in the lobby of the Commons.¹¹⁰

At first glance, it appeared as though the Trust achieved complete victory. A closer look, though, shows that the malcontents, like Stephens, also had reason to cheer. The final resolution stated that it would be to Georgia's advantage to permit rum importation. This amounted to a Parliamentary order to repeal one of Georgia's three laws. Since the corporation could not oppose the will of the House, the Trustees had no choice but to comply. In doing so, they surrendered a portion of their authority in the province. Though the House voted 43-34 against a motion legalizing slavery in Georgia, some members of Parliament continued to question the Trust's slavery prohibition over the following weeks and months. Among those supporting slave importation to Georgia were prominent men such as Lord Wilmington (now First Lord of the Treasury), Horatio Walpole, and Martin Bladen, a member of the Board of Trade.¹¹¹

¹⁰⁹ John Dobell to the Trustees, 30 November 1742, *ibid.*, 23: 440; The Plain-Dealer to James Oglethorpe, 6 January, 1739, *Oglethorpe's America*, 2: 386.

¹¹⁰ *CRG*, 5: 642

¹¹¹ *Ibid.*, 5: 639-40.

Finally, the Speaker of the Commons chose not to publish Stephens' reprimand. This decision denied the Trustees the public vindication they had sought. Stephens had libeled them in published pamphlets circulated on both sides of the Atlantic. In contrast, only attending House members knew the content of the six resolutions and heard the Speaker's humbling of the malcontent's agent. Enraged that a colonial upstart could damage his honor with such impunity, Egmont resigned from the Common Council because he could not tolerate "treatment in so unhandsome a manner." He advised his fellow Trustees to instantly turn the Charter over to the King and wash their hands of Georgia. He did not "see how they can do otherwise if they regard their honour and peace of mind." He also warned that "if the Trustees should not resign their Charter after all this, the World will believe they receive some private advantage from it which makes them cling so close to it."¹¹² Convinced that he could no longer expect anything but grief from his attachment to the Georgia corporation, Egmont attended few of the regular Trust meetings over the remaining six years of his life.

With Egmont withdrawn and Oglethorpe in America, Vernon now emerged as the primary mover at Trustee meetings. On July 12, 1742, the corporation held its first meeting since the Parliamentary investigation concluded. First, they resolved to petition the Crown for repeal of the Rum law, thereby complying with the Commons' instructions. The Trustees then made two recommendations to the Common Council for its consideration. First, all land grants to "adventurers" should henceforth be given in fee-simple, with non-payment of the yearly rent the only possible cause of forfeiture. Second, settlers might obtain up to 2,000 acres through inheritance or lease. Two days

¹¹² Ibid., 5: 643-44.

later, the corporation met to again consider action in accordance with the “Sense of the House . . . that there were some further Encouragements still wanting” for Georgia’s development. They therefore formed a committee to consider “the Use and Introduction of Negroes” to the province. In short, they recommended a substantial surrender of authority to the colonists.¹¹³

However, the Common Council took no concrete action on these recommendations. This caused Agent Stephens to renew his anti-Trustee campaign. He appeared daily in the House of Commons lobby and at Board of Trade meetings.¹¹⁴ In January 1743 he presented another petition to Parliament, which they promptly tabled. In March, the Commons once again received a money request from the Trust. While a few speakers opposed it, others counseled patience. The Trustees showed signs of changing their conduct, said former critic Bladen, and he believed they would soon do more. Parliament gave them £12,000 and the benefit of the doubt.¹¹⁵ Unhappy with the pace of property reforms, Stephens responded with the publication of *A Brief Account of the Causes that have Retarded the Progress of the Colony of Georgia in America*, his second and final piece in the struggle over liberty and authority in the colony. The Trustees had acted “contrary to the Laws and Usages of Great Britain, and to the known Rights and Liberties of English Subjects.” In their desire to maintain power, they had established a “Sort of Government, that is an insupportable Plague.” Even large grants of money, Stephens said, could not compensate for such fundamental mismanagement. He predicted that the

¹¹³ Ibid., 1: 398-99.

¹¹⁴ Earl of Egmont to General Oglethorpe, 18 February, 1743, Egmont MSS, 14213: 59.

¹¹⁵ *CRG*, 5: 677-78, 681.

Trust could not long use the current war with Spain as an excuse to delay making necessary changes in the Georgia plan.¹¹⁶

Stephens had succeeded in bringing the Georgia Trust into disrepute. During the final eight years of proprietary rule (1744-1752), the Trustees received only four small Parliamentary grants totaling under £17,000 for financing the colony's civil government. That marked a sharp decline from the Georgia corporation's success between 1735 and 1743 in securing £120,000.¹¹⁷ However, after issuing *A Brief Account*, the younger Stephens mysteriously ceased his lobbying activities in England. The most likely explanation is that after his 1742 marriage he found it impossible to finance both a family and an extended political campaign. In late 1743, Thomas re-appeared in South Carolina, where he intended to settle on a plantation near Charleston. Years later, in 1755, he petitioned the Georgia Assembly for a land grant, but there is no record of a final decision on his appeal. In 1761 he submitted a claim for compensation for services rendered as Georgia's Agent in England, but Stephens soon withdrew this request for reasons unknown.¹¹⁸

The malcontents did not send a new agent to England, obviously thinking that the Trust would bow under the pressure already applied. The Trust instead stubbornly clung to the tattered remnants of its authority in Georgia. They submitted two new laws for consideration by the Board of Trade in 1742. The first repealed the rum prohibition,

¹¹⁶ Stephens, *A Brief Account of the Causes that have Retarded the Progress of the Colony of Georgia in America* (1742), reprinted in Reese, *Clamorous Malcontents*, 278, 281, 288.

¹¹⁷ Taylor, "Colonizing Georgia," 121.

¹¹⁸ *Stephens Journal*, 2: 60; Betty Wood, "Thomas Stephens and the Introduction of Black Slavery in Georgia," *Georgia Historical Quarterly* 58(1974): 36-37.

instituting in its place strict licensing requirements and importation limits. The second law would confirm fee-simple landownership to “adventurers,” but would retain current land tenure restrictions on charity settlers. The Board of Trade rejected both. The new Rum Act, they concluded, gave the Trustees too much discretionary power in enforcement. The Board also thought it improper to establish two different land tenures in the same province, and instead suggested that the Trustees grant all land on the same terms. The corporation refused to consider the more liberal changes and decided to let existing rules remain in place.¹¹⁹

What occurred in Georgia after 1743 amounted to nullification of property restrictions and laws. Oglethorpe departed the province permanently that same year, depriving the Trust of its most vigorous representative in America. After the General set sail, settlers felt secure enough to ignore Georgia laws. Most Savannah and Frederica magistrates turned a blind eye to widespread property violations, sensing that their political futures was best served by courting favor with their fellow colonists rather than the Trustees. Public houses sold rum, still technically illegal, without disturbance. Landowners employed transparent legal fictions to enlarge their estates beyond the limits set by the Trustees—one common practice being to obtain land in the name of an infant child. Still, the Georgia corporation refused to admit the obvious. After 1743, they could no longer effectively enforce their restrictions on land ownership. It was not until March 1750 that the Common Council formally removed all land tenure restrictions.¹²⁰

¹¹⁹ *CRG*, 1: 407, 410, 433, 453.

¹²⁰ Ready, “Land Tenure in Trusteeship Georgia,” 367.

Similarly, Georgians were notified as late as 1748 that the Trustees resolved “never to permit the Introduction of negroes.”¹²¹ This refusal to soften the slavery policy did not deter planters from importing blacks into Georgia. In areas outside the reach of the Frederica and Savannah town courts, inhabitants employed slavery without concern. Both the malcontents and Trustees agreed that inland Augusta’s economy benefited from the large-scale use of black labor. Founded in 1737, Augusta reportedly contained upwards of eighty slaves by 1741. Other correspondents even reported seeing slaves in Savannah, which they said “the Magistrates knew and wink’d at.” As the colonists saw it, they merely took back what the British constitution gave them: “Liberty and Property without restrictions.” William Stephens wrote repeatedly in 1748 and 1749 that any serious attempt to enforce the antislavery law would “dispeople the Colony.” With their most loyal servant remaining in America now turned against them, the Trustees bowed to the inevitable and agreed on 16 May 1749 to allow slavery into the colony.¹²²

With the the final concessions on land and slavery, the Trustees officially acknowledged the already existing relationship between themselves and Georgia. The colonists had seized power for themselves. The Trust’s attempts in 1735 to solidify its authority in Georgia sparked the very organized movements that overthrew Trustee rule. South Carolina took the lead, using intervention by the Crown to counteract Georgia’s Rum and Indian Trade laws. When Georgia inhabitants campaigned against the Trust’s property rules, they took their appeals to Parliament and used the House of Commons’

¹²¹ *CRG*, 1: 506.

¹²² Ver Steeg, *A True and Historical Narrative*, 153; John Dobell to [unknown], 4 July 1746, *CRG*, 25: 74; Rev. Mr. John Martin Bolzius to Mr. John Dobell, 20 May 1748, *ibid.*, 25: 284; Alexander Heron to [unknown], 11 May 1748, *ibid.*, 25: 294-95; *ibid.*, 1: 530.

power to increase colonial autonomy and strike a more favorable balance between liberty and authority.

CHAPTER THREE

JAMES OGLETHORPE AND THE STRUCTURE OF TRUSTEE AUTHORITY, 1732-1753

In September 1732, James Oglethorpe informed his fellow Georgia Trustees that he would personally accompany the first shipload of settlers to America. The gentlemen undoubtedly rejoiced at this decision. The colony needed a strong figure to steer it through its early months, but the corporation did not wish to appoint a governor who would be subject to royal influence (which the Trust sought to minimize) and might fall prey to, as Oglethorpe himself put it, “the pride that name might instill.”¹ Now they could invest one of their fellows with the temporary powers needed for the task. Once Oglethorpe arrived in Georgia, he found the grants of authority to himself and other officials completely insufficient. Out of necessity, he found himself directing all of the settlement’s military, civil, and diplomatic affairs. His mistake was not in the assumption of emergency powers, but in keeping them for so long that they became customary to him

¹ Quoted in Albert B. Saye, *New Viewpoints in Georgia History*, (Athens, Ga., 1943), 60.

and to those that took his place during his frequent absences. Disenchanted with Oglethorpe's performance, the Trustees after 1735 moved to reduce his influence and reassert their control over the settlement. Ironically, the corporation found that the most effective way to accomplish its goal was to strengthen local authority.

In early November, with Oglethorpe's departure just weeks away, the Common Council discussed possible appointments to civil offices in Georgia. The assembled members were confronted with an uninspiring array of impoverished "charity" colonists to choose from. Indeed, failure in England's economy was the chief qualification for a spot on board the colonizing ship. The prospective Georgians were carefully screened to eliminate dishonest applicants. How could these people be trusted to govern an entire province? After somehow settling upon three bailiffs, two constables, two tythingmen, one recorder, and several conservators of the peace, Egmont jotted a revealing note in his personal journal: "All of them not worth £20." Never before had any of the appointees endured the stress of leadership, and the Trustees expected some of them to fail. This unpleasant experience of naming unqualified individuals to office gave the Trustees greater appreciation of Oglethorpe's assistance.²

The corporation granted Oglethorpe several limited powers to wield during what was expected to be a short stay in the New World. He could make 50 acre grants to the people going over and lay out their lands. He also had the responsibility of forming the Savannah town court, including administering the necessary oaths of office. He could remove men for dereliction of duty, but could not appoint replacements without a recommendation from the Trustees in England. The Trust granted him the ability to

² *Egmont Journal*, 8.

name a storekeeper upon arriving in Georgia. Finally, he could grant permission for people to leave the colony without forfeiting their lands. Six days after his departure for the New World, a ship sped after him carrying the authorization for him to appoint militia officers. These were, by and large, measures useful only during the first months of a fledgling province's life. None of these specific powers provided Oglethorpe with the executive authority required to run an entire colony.³

The frigate *Anne* sailed from Gravesend on 17 November 1732. From the beginning of the voyage, everyone in the embarkation deferred to Oglethorpe's superior rank. He acknowledged their deference with goodwill, and his conduct on the ocean journey underscored the unequal social bond between the passengers and their leader. He was a member of England's gentry, and therefore by definition did not have to work with his hands. While settlers performed militia drills on deck, or scrubbed their quarters to fend off disease, Oglethorpe hunted dolphins under the shade of an umbrella. He ordered treats out of the ship's stores on special occasions. The company celebrated his birthday with games, a meal of mutton and broth, and a pint of rum punch per person. When tempers flared—inevitable when total strangers are confined in tight quarters for several weeks—Oglethorpe played the role of mediator and judge. An early January squabble was defused by distributing more liquor and ordering the antagonists “to Drink & be friends together.” When Oglethorpe agreed to be godfather of a child born in mid-voyage, it was a symbolic statement of his paternal authority over all on board.⁴

³ Ibid., 7-9; *CRG*, 1: 87.

⁴ Robert G. McPherson, ed., “The Voyage of the Anne—A Daily Record,” *Georgia Historical Quarterly* 44(1960): 223, 224, 227-29.

Upon the *Anne*'s arrival, Oglethorpe became everything to everyone. Someone needed to coordinate South Carolina's assistance efforts, so he took up the task. He personally led a troop of Carolina rangers southwards to scout out the best location for Savannah. He then began laying out the dimensions of the town. When the local Yamacraw tribe approached the English to negotiate and cede the land, he became Georgia's Indian ambassador by default. So successful was he in this capacity that he convinced Tomochichi, the Yamacraw chief, to return to England with him.⁵

South Carolina merchant Samuel Eveleigh arrived from Charleston in March to find Oglethorpe in full control of Georgia. He visited the sick, regulated drinking and swearing, and settled any differences or disagreements between people. He distributed mercy with the confidence of a monarch. When a maidservant was sentenced to receive a whipping for disorderly conduct, several townspeople turned to Oglethorpe and convinced him to intervene and remit her punishment.⁶ Eveleigh noted that the inhabitants admired their leader, giving him the title of "Father."⁷ Oglethorpe presided over his children from a small tent set up a respectable distance from the other settlers. The spatial separation again served to emphasize the social and political gap between ruler and ruled.

Throughout the spring and summer of 1733, every matter of importance to Georgia went first to Oglethorpe before a conclusion could be reached. Hundreds of details demanded his attention, and he found his patience and energy stretched to the limit.

⁵ Phinizy Spalding, *Oglethorpe in America* (Athens, Ga., 1977), 9-12.

⁶ *Journal of Peter Gordon*, 40-41.

⁷ Samuel Eveleigh to the Trustees, 6 April 1733, *Oglethorpe's Georgia*, 1: 13.

Despite his promise to keep the Trustees informed, he managed only the occasional brief note assuring that he would forward more details when time permitted. In June, he wrote that as soon as he finished his duties and “put everything in order,” he would leave for England to report to the Trust in person. He predicted he might depart in just a few short weeks. Oglethorpe underestimated the length of his task by nine months. Establishing the town government might have eased the pressures on him, but he resisted doing so for several weeks after construction began on Savannah. Either he did not judge the appointees ready for the responsibility or he merely loved being the center of gravity in the province.

The delay in delegating authority to the townspeople caused some early problems for the settlers. Oglethorpe visited Charleston in June, and, with “the civill government not being yet started,” he left his command to Captain Francis Scott. Scott incorrectly assumed that he could behave exactly like “Father.” He ordered a man named Gray to hand over a servant to attend several visitors to the town. Gray refused on the grounds that the servant was his property and therefore could not be taken from him without cause. Residents began choosing sides, and soon Gray claimed to have the sworn support of twenty armed men. Scott commanded Peter Gordon (the future chief magistrate in the civil government) to take a militia company to Gray’s house and seize the servant. When the household resisted, Gordon pleaded for calm and worked out a temporary compromise. The servant was handed over (thereby obeying the letter of Scott’s order) then brought back in one hour, satisfying Gray’s desire to retain his property. This

expedient measure, however, settled nothing. The parties would wait “a few dayes till Mr. Oglthorp’s returne,” and let him judge who was in the wrong.⁸

When Oglethorpe returned to Savannah, he displayed a harsh attitude toward disobedient settlers. He declared Gray guilty of “preaching up mutiny,” and criticized him for having “in a barefaced manner insulted all order and threatened the chief people here.” Furious at this treatment, Gray asked for either satisfaction in court or permission to leave Georgia. Oglethorpe gave him twelve hours to pack his belongings. Gray moved to Charleston and there told to all who would listen about the injustice done him, thus becoming the first of many unhappy Georgia immigrants to flee to South Carolina. Oglethorpe wrote to the Trustees that he had squashed the “petulancy . . . of the silly people” who supported mutiny, and, through personal effort, successfully “brought the people to discipline.”⁹

On 7 July 1733, Oglethorpe finally established the Savannah Town Court, appointing Gordon, William Waterland, and Thomas Causton as bailiffs. He also named the recorder, constables, tythingmen, conservators of the peace, and a Register of land grants. The bailiffs served as judges, the constables investigated crimes and executed warrants, and the recorder summoned juries and kept the court records. Conservators of the peace performed functions similar to constables, but in addition they tried petty infractions of the law. Tythingmen occasionally filled in for constables, but their primary responsibility

⁸ *Journal of Peter Gordon*, 46-47.

⁹ James Oglethorpe to the Trustees, 12 August 1733, *Oglethorpe’s Georgia*, 1: 19.

lay in organizing the nightly guard duty. All officials were appointed to indefinite terms and served at the pleasure of the Trustees.¹⁰

Although the only town in the colony now had a functioning government, Oglethorpe continued to attend to every matter that came to his notice. As one historian remarked, “Even the dimmest witted of the settlers realized where the authority lay in such a frontier society as Savannah.”¹¹ When people had a dispute, they took it to Oglethorpe for resolution. He thrived on the endless minutiae that assaulted him during his every waking moment. Early in 1734, an observer visiting Savannah recorded that Oglethorpe was “taken up when in Town with the Political and Civil part of the Administration, the business of Grants, the Settling and providing new Inhabitants, keeping a good order among the People.”¹² Half a year after the Savannah court’s founding, Oglethorpe was still everything to everyone.

When he finally embarked in March 1734 on a ship bound for England, Oglethorpe left behind him a colony that appeared well on its way to success. There were more than 500 people and 40 houses built by the end of 1733. The townsfolk had erected a meeting house for the colony’s minister to hold divine worship. The rivers yielded abundant harvests of fish, the prospects for wine and silk production were good, and the inhabitants were “orderly and healthy.” The colonists owed their good fortune, Gordon concluded,

¹⁰ *Journal of Peter Gordon*, 49-50. The Georgia government was very much like town governments in England. J. A. Sharpe, *Crime in Early Modern England, 1550-1750* revised edition (New York, 1999) contains an excellent discussion of comparable offices in the mother country. Further comparisons with England can be made by consulting Sidney and Beatrice Webb, *English Local Government* 9 vols. (London, 1906-29) and Bryan Keith-Lucas, *The Unreformed Local Government System* (London, 1980).

¹¹ Spalding, *Oglethorpe in America*, 17.

¹² Mr. Beaufain to Mr. Simond, 23 January 1734, Egmont MSS, 14200 part 1: 62.

to Oglethorpe's "indefatigable . . . carrying on the affairs of the Province."¹³ Oglethorpe also left behind him a host of difficulties that his presence had masked. Some of these were structural, as the local government lacked the necessary executive powers to operate properly. Other problems were of Oglethorpe's making. His presence undermined what little authority the Savannah town court possessed. Colonists brought complaints to him instead of the Court—the proper channel for solving legal disputes. His departure and the ensuing power vacuum caused widespread uncertainty over colonial administration, which in time became discontent. By maintaining his role as "Father" for too long, Oglethorpe created the conditions that made his later stays in America so unpleasant.

One Oglethorpe action in 1734 proved particularly troublesome for the colony—the appointment of Causton to the post of storekeeper. The Trust Store was an immensely vital part of Savannah life. The Trustees promised to support settlers for one year, and the storekeeper distributed food, supplies, and other necessities of life. In addition, the store sold items to the inhabitants at unusually low prices. When Georgians struggled to provide for themselves in future years, the Trustees extended this material support. As storekeeper, Causton had the discretionary power to decide who continued to receive supplies and who did not. Alone, the position of storekeeper was powerful. Combined with his position as a bailiff, it made Causton dangerous. One individual now had the power to "starve people into compliance," and, if the people lodged a protest in Court, he could rule in his own favor.¹⁴ Several inhabitants felt that investing such control in one

¹³ *Egmont Journal*, 44.

¹⁴ *Journal of Peter Gordon*, 51, 60.

man of dubious background threatened the colonists' liberty and, for that matter, their survival.

In addition to this appointment, Oglethorpe gave Causton "the sole power of acting & persuing (in his Absence) all necessary means and measures" that Georgia required. Oglethorpe had no authority to delegate this power since he did not officially possess it himself. Nevertheless, Causton attempted to fill Oglethorpe's role, leading at least one townspeople to call him simply "the Gentleman that Acts in Mr. Oglethorpe's absence."¹⁵ Causton strove to be "Father," but found instead that his actions caused people to call him "Dictator."

Complaints about Causton soon made their way to London. Causton was clever and enterprising during his career in Georgia, but also vindictive, erratic, and temperamental. "It is surprising that a Man should have so much implacable Malice," concluded the Reverend Samuel Quincy about Savannah's ruler.¹⁶ At various times in the colony's first two years, Causton was accused of numerous offenses: selling illegal rum, prejudice in distributing goods and provisions, falsifying accounts, embezzling money, using Trustee servants for personal use, handing out unduly harsh sentences, bullying juries, granting unauthorized tavern licenses, and unlawfully searching people's homes and correspondence. The situation led some to despair for Georgia's future. Paul Amatis wrote with regret that unless someone held Causton's abuses in check, the province would be "crushed through the cruelty &c. of a person unqualified for government."¹⁷

¹⁵ Quoted in Ann O'Quinn Young, "Thomas Causton and Georgia's First Five Years," *Atlanta History* (Summer 1992): 1.

¹⁶ Samuel Quincy to Peter Gordon, 3 March 1735, *CRG*, 20: 246-47.

¹⁷ Paul Amatis to the Trustees, 30 June 1735, *Oglethorpe's Georgia*, 1: 199-200.

Patrick Houstoun, a Scottish settler of noble heritage, remarked that if word leaked to the outside world of Causton's behavior, "it would do the Colony prejudice by hindering other people to come over."¹⁸

Other deficiencies made the situation in 1734-35 even worse. As Gordon himself admitted, Savannah officials had no legal training or background in government, and while still in Georgia Oglethorpe had shown no inclination to instruct them. Similarly, the Trust's orders were specific about matters of judicial jurisdiction, but gave no information about the conduct of trials. Causton embarked on a crash course in governing using Thomas Wood's *An Institute of the Laws of England* (a standard contemporary reference) as a textbook, but the colonists disagreed about his scholastic aptitude.¹⁹ Attending one quarter session, Eveleigh noted that "Mr. Causton gave a very handsome Charge," and that business proceeded "very impartially without the Jargon or the Confused Quirks" that characterized English courts.²⁰ Others thought him a failure at book learning. When Causton sat as a judge, another observer informed the Trustees that he "has with the grossest names insulted and abused many of the best freeholders, and has frequently treated the Jurys in the same manner." If a verdict was not to Causton's liking, he told the jury members that they were "fools and blockheads and that they did not understand the law."²¹ Robert Parker in 1734 directly and unflatteringly compared Causton to Oglethorpe. While the latter had used wisdom and mercy in improving the

¹⁸ Patrick Houstoun to Peter Gordon, 1 March 1735, *CRG*, 20: 239.

¹⁹ O'Young, "Thomas Causton," 6.

²⁰ Samuel Eveleigh to Mr. Oglethorpe, 19 October 1734, Egmont MSS, 14200 part 1: 112.

²¹ Peter Gordon to the Trustees, 7 May 1735, *ibid.*, 14207: 147.

colony, the former “takes the surest Methods for the Destruction of this Infant Colony which is now almost inevitable.” Causton handed out whippings and dunkings for offenses that, Parker continued, “had Mr. Oglethorpe been here had not been taken Notice of.”²² When he was accused of a crime, all Joseph Watson asked was for “the Laws of my Nation to condemn or acquit me, I desire no favour but an impartial Tryal.” He and many others thought that impossible in the Savannah court.²³

The town court conducted itself erratically at best, and arbitrarily at worst.²⁴ Clashes between bailiffs and bailiffs, bailiffs and constables, or bailiffs and defendants were nearly as common in hearings as disagreements between the prosecution and defense. The constables, acting as prosecutors, brought their cases without knowing how to take proper evidence. Judges issued vague, misleading, and sometimes conflicting instructions to juries. Court sessions occasionally devolved into tedious bickering over proper trial procedures. Grand Juries operated without a clear understanding of their exact duties and limits, and therefore at times attempted to exercise unauthorized power. Defendants with no legal training were forced to represent themselves since lawyers were forbidden in Georgia. An unfortunate side effect of this particular prohibition was that it kept out the very men whose knowledge and experience could have settled procedural questions to everyone’s satisfaction. On occasion, the Savannah court had to send

²² Robert Parker to the Trustees, undated, *ibid.*, 14200 part 1: 157; Robert Parker Jr. to Mr. Gordon, 10 March, 1735, *ibid.*, 14200 part 2: 241.

²³ Mr. Joseph Watson to Mr. Gordon, 10 march 1735, *ibid.*, 14200 part 2: 259.

²⁴ This came at a time when England’s courts were regularizing behavior and procedure. See John M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986); and N. Landau, *Justices of the Peace, 1679-1760* (Berkeley, 1984). Douglas Greenberg, *Crime and Law Enforcement in Colonial New York, 1691-1776* (Ithaca, N.Y., 1976) shows that such problems were not entirely unique.

questions to Charleston attorneys for expert legal advice. That the Trustees involved themselves directly in individual cases on an apparently random basis made things more confusing and frustrating. This type of intervention caused interminable delays as information was transmitted back and forth across the Atlantic.²⁵

Perhaps they could tolerate less than perfect courts, inhabitants pleaded in 1734 and 1735, if they were not inflicted on the people quite so often. The initial bailiffs had difficulty discerning minor and major cases. Since they had no guidance to the contrary, they strove to try every offense in the full court. This required almost constant attendance by officials, jurors, witnesses, and militiamen who served as guards. The frequency of court sessions particularly affected inhabitants of outlying settlements who had to travel a significant distance to attend. Robert Parker described to the Trustees how settlers from Abercorn spent all of one Friday going to Savannah for a court meeting on Saturday. Instead of convening on the day in question, the Court instead adjourned until the following Wednesday, meaning that the weary travelers had to go home and come back again in four days. Parker estimated that the Abercorn men lost an entire week of labor. Other people, too, found their cultivation efforts constantly disrupted. They petitioned the Trust to declare that all civil matters of minor importance (under 20 shillings value) be determined by conservators of the peace. In mid-1735, the Trustees finally instructed Savannah magistrates to never hold court more often than once every six weeks and to assume only major cases.²⁶

²⁵ For a useful look at the rampant confusion in early Georgia courts, see McCain, *Georgia as a Proprietary Province*, 206-18.

²⁶ *CRG*, 20: 141; Gordon to the Trustees, 7 May 1735, Egmont MSS, 14207: 145; Mr. Verelst to the Bailiffs and Recorder of the Town of Savannah, 15 May 1735, *ibid.*, 14207: 163.

It should come as no surprise that many early Georgians considered their courts unreliable and therefore developed a general contempt for judicial officials. Juries nullified laws by ignoring evidence and acquitting clearly guilty individuals. In Savannah, one suspected rum smuggler “had so many friends amongst the freeholders that they publicly declared in town that no jury would convict him.” For this reason, Oglethorpe recommended trials without juries since it was much easier to get a conviction. In the late 1730s, Frederica convicted rum law violators at “petty sessions as Justices of the Peace,” a choice of action in which Oglethorpe felt the “Magistrates acted wisely.”²⁷ Trial by judge made the wheels of justice turn faster, but did little to improve the inhabitants’ regard for their liberties. The Trust, though, did make one minor effort to enhance the court’s authority prior to 1741. The corporation sent the Savannah magistrates a mace and set of judicial gowns for court days “in order to give more weight & Distinction to the Court.”²⁸ Despite this, many settlers remained unimpressed with their magistrates’ behavior and with the Trustees’ efforts to protect liberty. Not until 1741 did settlers see significant reforms in the colony’s legal system, and then only in the appeals process.

What the residents requested most often during 1734 and 1735 was Oglethorpe’s presence. They recalled his first stay in Georgia through a nostalgic haze, blaming only Causton for all of their troubles and attributing everything good about the colony to Oglethorpe’s efforts. In December 1734, one settler sent word to Oglethorpe in London that the colonists would mark his birthday from afar by “drinking to your health, together

²⁷ James Oglethorpe to the Trustees, 4 July 1739, *Oglethorpe’s Georgia*, 2: 409.

²⁸ Mr. Verelst to Mr. Thomas Causton, 11 August 1737, Egmont MSS, 14209: 23.

with all the inhabitants of this city, who love and honour you as their Father.” John West, a Savannah bailiff for a short time, wrote after the celebration that “we was all in Genorell in gratt reegoiseing [great rejoicing] on your Honnors beath [birth] Day & Every one Seme to Expres a Deale Satesfackion in itt.”²⁹

When Oglethorpe left for England, no one knew when or if he would come back to America. Colonists by 1735 hoped for a swift return. They had grown tired of their situation, writing often to London asking “Father” to liberate them from tyranny and cure all of their ills. Robert Parker—by now a professed enemy of Causton—repeated the “Cry of the Multitude” in desiring a resumption of Oglethorpe’s “Generous Actions, Indefatigable Pains & Industry.” Elizabeth Bland, who savaged the Savannah Magistrates for depriving her of her British liberty, expected the great man to free her from her captors. “I fear them not,” she proclaimed, “whilst I have the good Mr. Oglethorpe to apply to for redress.” Even inhabitants formerly well disposed to Causton and other Trust appointees found themselves wishing for a change. Johann Martin Bolzius, leader of the Salzburgers who settled Ebenezer in 1734, expressed his hope that “the safe Arrival of our dear beloved Father, Mr. Oglethorpe, . . . will bring all things among us to such an order, as will be profitable to us.” South Carolinian Eveleigh, who in 1734 had been impressed with Causton, found himself by 1735 doubting the colony’s form of government. He informed the Trust that a “person of weight and ability is absolutely necessary here” to begin an overhaul of Georgia’s political system. He

²⁹ Samuel Montaignut to James Oglethorpe, 17 December 1734, *CRG*, 20: 131; John West to James Oglethorpe, 30 December 1734, *ibid.*, 20: 138.

concluded that the colony could still succeed, but only if “the Trustees would put the Government of that Place under a good regulation.”³⁰

When Oglethorpe returned to England after his first voyage, the Trustees greeted him with open arms. Judging the first wave of settlers to be a success, the corporation voted him formal thanks for “his great care and pains in Settling the Colony.”³¹ They framed two of his drafts and hung them up in the Georgia offices.³² While pleased at his safe passage, some of the Trustees did not fully approve of his conduct in America. Their main complaint was Oglethorpe’s failure to send regular reports. This kept London poorly informed of major colonial developments. On 3 March 1734, Vernon had met Egmont to express his displeasure with their still absent colleague. According to Vernon, Oglethorpe had written “never once in any full and satisfactory manner” since leaving in 1732. Rumors of mismanagement discouraged new settlers, and the Trustees had no authoritative information to dispel these tall tales. Three weeks after this meeting, the corporation sent a letter asking Oglethorpe either to write more frequently or to appoint someone to write for him.³³

Massive expenditures in America became another sore point with Vernon and others. During his first stay alone, Oglethorpe drew nearly £8,000 payable by the Trustees in London. These unexpected costs left the corporation with only £700 in the bank in June

³⁰ Robert Parker to the Trustees, undated, *CRG*, 20: 139; The Revs. John Martin Bolzius and Israel Christian Gronau to Trustee James Vernon, 1 September 1735, *ibid.*, 20: 464; Samuel Eveleigh to James Oglethorpe, 16 May 1735, *Oglethorpe’s Georgia*, 1: 169; Elizabeth Bland to James Oglethorpe, *ibid.*, 1: 185.

³¹ *Egmont Journal*, 56; *CRG*, 1: 175.

³² *CRG*, 2: 87.

³³ *Egmont Diary*, 2: 41-43; Mr. Martyn to Mr. Oglethorpe, 25 March 1734, Egmont MSS, 14207: 71-74.

1735. This was cause enough for concern, but several of the notes had arrived without any explanation for the payment. Vernon termed this a “dangerous negligence” since the corporation might accidentally accept counterfeit bills, and therefore open itself to charges of “squandering away the public money.”³⁴ At first, the Trustees thought the matter serious enough to reject any draft that arrived without explanation. However, the gentlemen soon reversed the policy for fear it would provoke breach of contract lawsuits, and “draw great Scandal on us.” Vernon in particular saw that denying bills might destroy the colony’s credit and make administering the province that much more difficult.³⁵

Despite their misgivings, though, the Trustees as a body appreciated Oglethorpe’s service and his popularity. After his triumphant return (complete with Tomochichi and other Indians in tow) the English press showered praise on the Georgia project throughout 1734 and 1735. The Trust quickly recognized Oglethorpe’s potential as a public spokesman and used his raised public profile to further their goals. They selected him to propose their funding request to Parliament in March 1735. That petition asked for the impressive sum of £25,800—more than double the 1733 appropriation of £10,000. With Oglethorpe’s prestige behind the money effort, the Commons approved the request in one week, voting the Trustees £26,000 “without any difficulty.”³⁶ Oglethorpe also took a major role on the committee drafting new statutes to enhance the Trustees’ authority in Georgia. When the Common Council submitted its rum, slave, and

³⁴ *CRG*, 2: 117; *Egmont Diary*, 2: 41.

³⁵ *Egmont Journal*, 41-42; *Egmont Diary*, 2: 41.

³⁶ *Egmont Journal*, 78-79.

property laws to the Crown in early 1735, he unsurprisingly found himself among the Trustees assigned to lobby the Privy Council for approval.³⁷

New found prominence did bring Oglethorpe at least one new career opportunity. In late March 1735, the British government offered to remove Governor Robert Johnson of South Carolina and give the position to Oglethorpe. After word of Johnson's death arrived in June, the offer was repeated more emphatically. Oglethorpe refused both times, instead merely asking (unsuccessfully) that he be granted "the power of the militia of both Provinces," thus removing one element of Carolina's influence over Georgia.³⁸ Even had he foreseen the bitterness of the intercolonial dispute over the Indian trade, he still would not have taken the South Carolina governorship as it would have jeopardized his eligibility to sit in Parliament. In all likelihood, first minister Robert Walpole had originated the idea for that very reason. Oglethorpe voted against the ministry regularly in the House of Commons, and the Trustee's current popularity made him more influential than in the past. Sending Oglethorpe half way around the world for an indefinite time would have removed a potentially dangerous opponent from the scene.

As Oglethorpe prepared for his return to America late in 1735, the Trustees attempted to correct the obvious deficiencies in Georgia's early administration by better defining and limiting his powers. He was to administer the necessary oaths in establishing the new town court at Frederica, a new settlement on the Altamaha River in south Georgia. Once again the Trust instructed him to train the province's militia. In addition, Oglethorpe received an official appointment as Commissioner in charge of enforcing the

³⁷ *CRG*, 2: 84-85.

³⁸ *Egmont Journal*, 79, 95.

1735 Indian Trade law. To better limit colonial expenses and hold Oglethorpe to a budget, the Trustees instituted a new financial system. They printed up £4,000 in exchange notes termed “sola bills.” These would circulate within Georgia as currency, and could be redeemed for cash by presenting them in London. Only Oglethorpe possessed the authority to spend the sola bills, and he was told to use these instead of drawing upon the Trustees as he had in 1733 and 1734.³⁹

Oglethorpe and a second wave of Georgia settlers cast off on 10 December 1735. On the sea voyage, Oglethorpe began to reprise his role as “Father” to the people. He smoothed over religious conflicts between Anglicans and Dissenters. He occasionally gathered the freeholders together and lectured them—much as a parent to a child—on how to “behave themselves” once they arrived in America. When an illness swept through the ship, Oglethorpe visited the sick and favored them with fresh poultry and other refreshments from his personal provisions. Men who distinguished themselves on board received an invitation to dine at his table, which was seen as a great honor. The journey to America proved unexpectedly fruitful. When the ship arrived off the Georgia coast in early 1736, it carried more passengers than it started with—four women had given birth and no one had died.⁴⁰

If Oglethorpe expected to have the same success on land as he enjoyed during his first colonial stay, he was mistaken. The people had grown frustrated and angry over the intervening year and a half, and they expected Oglethorpe to remedy all of the province’s ills. His first challenge came from the Salzburgers of Ebenezer. Oglethorpe had

³⁹ *CRG*, 2: 113-14, 120; *ibid.*, 1: 228; *Egmont Journal*, 98-100.

⁴⁰ Moore, *A Voyage to Georgia*, 9-11.

personally picked the site of Ebenezer in 1734, but the inhabitants complained that the land was barren, and by 1736 they wanted permission to move to a different location. Oglethorpe—never one to accept even indirect criticism well—warned the Germans of the dire consequences of rejecting his choice of location. If the town moved to its proposed alternate site, he predicted that “sickness would naturally follow.”⁴¹ Unwilling to waste more labor on bad lands, however, the Salzburgers insisted on relocating. Clearly angry at what he characterized as the “ignorant & obstinate” attitude of the settlers, he nevertheless acceded to their wishes.⁴²

The people of Savannah, too, cried out against the alleged injustices they suffered at Causton’s hands. They wanted Oglethorpe’s intervention to preserve their liberty. Reverend John Wesley, the town’s new minister, urged Oglethorpe to give the matter his immediate personal attention by listening in full to the townspeople’s complaints. Though this fell well outside his explicit grant of authority, assuming new powers never troubled Oglethorpe. On 31 May 1735, he convened an unofficial court and declared that anyone who felt “abused or oppressed,” could submit their complaints in writing. “I will read all over by myself,” he promise, “and do every particular man justice.”⁴³ He received between 300 and 400 written grievances. Some of these were against magistrates, while some came from debtors and creditors accusing each other of dishonesty.⁴⁴

⁴¹ Ibid., 15, 26.

⁴² James Oglethorpe to Harman Verelst, 13 February 1736, *CGHS*, 3 part 2: 13.

⁴³ John Telford, ed., *The Journal of the Rev. Charles Wesley: the Early Journal* (1909; reprint, Taylor, S.C., 1977), 59-60.

⁴⁴ James Oglethorpe to the Trustees, June 1736, *Oglethorpe’s Georgia*, 1: 275.

That evening, the Savannah magistrates approached Oglethorpe to express their reservations about the impromptu appeals court. The tone of his speech had alarmed them, and they “hoped he would not discourage government.” The idea that he was negating the authority of magistrates loyal to him disturbed Oglethorpe. He had hand-picked Causton as his deputy in 1734, and now feared that his action might reflect poorly on his ability to judge officeholders. It might also make him appear fickle or disloyal to his followers. The result, he predicted to Charles Wesley, would be that “he should never have any to serve him.” Charles tried to assure the worried Trustee that his action that day was “the happiest thing that could happen to the colony, and much to be desired by all good men,” but Oglethorpe regretted convening the court at all.⁴⁵ He knew what he must do to uphold the authority of the town court. Accordingly, he declared every one of the grievances “absolutly frivolous” and vindicated the magistrates in all respects.⁴⁶ The sheer volume of written petitions submitted to him alone suggests that at least some of the complaints were legitimate. From this time forward, the “malcontent” segment of Savannah viewed Oglethorpe not as a benevolent parent, but as a tyrannical oppressor. No longer was he the protector of their rights, but the enemy of liberty.

Oglethorpe clearly did not receive the same joy from his 1736 sojourn in America as he had during his first visit, in large measure because he realized that he was no longer held in universal esteem. His letters to the Trustees about his lack of time exuded weariness and exhaustion instead of excitement. He spent most of his time on military concerns—particularly establishing the defensive settlement of Frederica on St. Simons

⁴⁵ *Journal of Charles Wesley*, 60.

⁴⁶ *Egmont Journal*, 215.

Island, settling a group of Scotch Highlanders on the mainland nearby, and scouting sites for military outposts between Georgia and Florida. With his efforts devoted primarily to military tasks, the endless stream of civilian details that once fascinated him now annoyed him. As he wrote to London, “The Day and night together is not long enough to dispatch the number of trifling things that are here necessary.”⁴⁷ The growing Indian trade conflict with South Carolina exhausted his patience and left him more short-tempered than usual. Rumors of a Spanish invasion came almost as a relief since they gave him a justification for staying in the southern extremes of the province—far from the bickering in Savannah.

Once again, Oglethorpe might have eased his burden by delegating some of his assumed authority, but such a course was against his nature. He detested sharing power and frequently treated other strong figures in the colony as adversaries. This outlook explains his ambivalent relationship with Georgia’s early religious leaders, particularly Charles Wesley. Wesley and his brother John both came over on the 1735 voyage, but, as minister to Frederica, Charles had the longest and most sustained contact with Oglethorpe. The two men soon took a disliking to each other. Charles quickly immersed himself in the town’s daily life and became embroiled in a conflict between two of Frederica’s magistrates. First Bailiff Thomas Hawkins, a friend of Oglethorpe’s, had been arrested by a constable for unlawfully firing a gun on a Sunday. Perhaps because the sound had disrupted the morning sermon, Wesley backed the constable’s action

⁴⁷ James Oglethorpe to the Trustees, 1 July 1736, *CGHS*, 3 part 2: 37.

wholeheartedly.⁴⁸ This action against one of Oglethorpe's favorites led him to destroy the minister's influence in Georgia.

Less than three weeks after Wesley's arrival at his new post, he recorded in his journal: "I was enabled to pray earnestly for my enemies, particularly Mr. Oglethorpe, whom I now looked upon as the chief of them." Oglethorpe accused the minister of stirring up mutiny and sedition, and from that day forward Wesley found himself an outcast. "Some have turned out of the way to avoid me," he recorded mournfully, while "Others desired I would not take it ill if they seemed not to know me when we should meet." After several weeks of this punishment, Oglethorpe judged the minister sufficiently humbled and the two men arranged an uneasy truce—so long as the minister confined himself only to matters of religion. Citing his unhappiness with his work, Charles resigned his office in the Summer of 1736 and prepared to sail for England. Oglethorpe's final request was that Wesley keep the resignation secret from the Trustees until Oglethorpe could himself return to London and install a replacement "of my own choosing."⁴⁹ He did not want any more meddlesome churchmen in his colony.⁵⁰

The Trustees in London shared Oglethorpe's concerns about the role of the church in the colony. They did not want to establish an institution that might oppose their authority at some later date. If the Trustees granted "glebe" lands to ministers in Georgia, it might make them too independent. Holding lands in glebe meant that the church would have

⁴⁸ *Journal of Charles Wesley*, 12-14.

⁴⁹ *Ibid.*, 17, 19-22, 24-26, 30, 35-36, 61-64, 67.

⁵⁰ Oglethorpe's view of churchmen is discussed in E. Merton Coulter, "When John Wesley Preached in Georgia," *Georgia Historical Quarterly* 9(1925): 317-51; David T. Morgan, "John Wesley's Sojourn in Georgia Revisited," *Georgia Historical Quarterly* 64(1980): 318-31; and Edgar Legare Pennington, "The Reverend Samuel Quincy, S.P.G. Missionary," *Georgia Historical Quarterly* 11(1927): 157-65.

the right to sell, lease, or mortgage the property. The clergyman would therefore have a more secure tenure than other inhabitants and be almost impossible to remove from office. The debate over a glebe divided the Trustees along secular and spiritual lines. Religious members of the corporation insisted that a glebe was both customary and proper. Secular members instead preferred to offer a set salary rather than land. If a minister “were removable at pleasure, he would be carefull to behave as he ought,” they predicted. The conflict over religious lands dominated business for the first two months of 1736. Finally, a majority of the Trustees voted against granting lands in glebe. Instead, the Common Council placed 300 acres into the care of Savannah’s magistrates. Any profit drawn from those lands would be dispensed to support religion in the province “in Such manner as the Common Council Shall think fit and proper.”⁵¹

Both the Society for the Propagation of the Gospel (SPG) and the Bishop of London protested this usurpation of religious authority by laymen. Late in 1736, the SPG withdrew its pledge of £50 per year to support each man of God sent to Georgia. One member of the Society even accused the Trustees of being “Enemies to the Established Church.” The SPG thought it unjust that ministers—deprived of a glebe—might fall under the secular authority of the Trust and be removed at pleasure. Such wronged clergymen then “could not appeal to or be redressed by the Bishop of London.”⁵² The Bishop, supported by some religious Trustees, demanded that the Georgia corporation acknowledge his customary authority over all American clergy. The Trustees dismissed his claim of “pretended jurisdiction” over Georgia, and decided to license and pay

⁵¹ *Egmont Journal*, 126-37.

⁵² *Ibid.*, 220, 226-28.

ministers independent of both the SPG and the Bishop.⁵³ The Trustees supported religion in Georgia, but not ecclesiastical authority.

As negative reports about Georgia trickled across the Atlantic in 1736, the Trustees found themselves deeply troubled by several aspects of Oglethorpe's behavior. The gentlemen heard allegations from a variety of sources that Oglethorpe had exceeded his authority and was now using his powers in Georgia for his own purposes. Spanish emissaries accused him of building forts on Spanish soil in an attempt to provoke a war.⁵⁴ South Carolina Indian traders sent over a steady stream of complaints and petitions regarding Oglethorpe's rigorous enforcement of the Indian Trade Act, which forced the Trustees to spend a great deal of time answering inquiries from the Board of Trade and Privy Council. Bristol merchants charged that Oglethorpe abused his position as Indian Commissioner to monopolize Georgia's fur trade by pressuring tribes to sell only to him. Fellow Trustee Vernon discovered that Oglethorpe obtained a 12,000 acre land grant in South Carolina, which seemed to "convert this public undertaking to private views of interest."⁵⁵ For the first time, the Trustees faced sharp questions from London merchants and politicians about the colony's future. Was Georgia beneficial to England? Should the nation continue to support it?⁵⁶

⁵³ Ibid., 226; *CRG*, 5: 46-48.

⁵⁴ Phinizy Spalding, "Oglethorpe, Georgia, and the Spanish Threat," *Georgia Historical Quarterly* 78(1994): 461-70.

⁵⁵ *Egmont Diary*, 2: 307.

⁵⁶ The Trustees 1736 troubles are documented in most entries of Egmont's diary from March to November. See *ibid.*, 2: 253-310.

From Georgia itself, the Trustees heard little. Oglethorpe wrote few letters, and those tended to be short and focused on military matters. Likewise, Causton and his fellow magistrates corresponded infrequently. The Trustees were starved for solid information that they could use to answer the constant barrage of questions put to them. Some of the Trustees—Egmont among them—believed that colonial officials did not write because they expected Oglethorpe to keep London informed, and that Oglethorpe simply lacked the time to write regularly. Others in the Trust suspected more sinister designs behind the information deficiency. Among these men, Vernon was the leading critic. He flatly stated his opinion that Oglethorpe ordered people in Georgia not to write to the Trustees. He did this deliberately, said Vernon, to hide his unauthorized activities from prying eyes in England.⁵⁷

Even more distressing to the corporation than the lack of correspondence was the financial crisis Oglethorpe caused in 1736. The Trustees had sent over £4,000 in sola bills and £1,000 in cash in the hopes of confining Oglethorpe to a budget. The attempt utterly failed. Throughout the spring and summer, a steady stream of individuals presented promissory notes drawn by Oglethorpe directly against the Trust. Egmont sadly predicted that if Oglethorpe continued to make such drafts, “we shall be quickly run aground, he not knowing how low we are in purse.” It seemed to the Trustees as though their colleague in Georgia willfully refused to use the sola bills in the manner directed. By June, the corporation had received over £1,000 in direct drafts. In contrast, less than £400 in sola bills had been presented for redemption. Despite the Trustees repeatedly ordering Oglethorpe to use sola bills only, by August the total drawn by him reached

⁵⁷ Ibid., 2: 302.

£2,700. Frustrated by his irresponsible use of their funds, the gentlemen made their displeasure public. In June 1736, they placed newspaper ads in London and in Carolina declaring that henceforth all expenses in Georgia would be met by sola bills alone, and confirming that the corporation “should not pay any other bills drawn upon us here,” no matter who claimed to authorize them.⁵⁸

In July, a solicitor presented a £500 draft authorized by Oglethorpe and payable to South Carolina merchant Samuel Eveleigh. Eveleigh had been one of the Trust’s most loyal and reliable sources of information during the settlement’s first three years, but the corporation felt the need to make an example of someone to reinforce their new financial policy. Oglethorpe had, for some reason, worried about Spaniards buying weapons in Charleston to equip an invasion of Georgia, so he ordered Eveleigh to buy all the arms in the town and charge it to the Trust. Viewing the situation from London, though, the Trustees thought this “a very adventurous proceeding in him, and far beyond our abilities to answer.” They therefore unanimously agreed to refuse payment and further suggested that the burden of any protest would “fall on Mr. Oglethorpe since we do not accept his bill.” The corporation “could not answer such a misapplication of moneys given by Parliament for the service of the Colony only.” In August 1736, ads were again placed in South Carolina and London newspapers stating that the Trustees would not honor any notes from Georgia except sola bills.⁵⁹

The Trustees then apprehensively turned their attention to the coming year and their annual money petition to Parliament. The Trust desperately needed money to continue

⁵⁸ Ibid., 2: 268, 278, 280, 295.

⁵⁹ Ibid., 2: 290, 292-93, 295.

operating, as the current financial situation looked bleak. The damage done to Georgia's public image during the previous several months, however, forced the Trustees to justify their colony's existence to the House of Commons all over again. To do this effectively, they needed information on conditions in the colony, and it was clear that Oglethorpe either could not or would not provide it. Egmont noted with evident annoyance that Oglethorpe's recent letters had "contained nothing of any moment towards Satisfying our desires of Knowing what was doing in Georgia."⁶⁰ Only by answering questions in person could Oglethorpe justify his conduct to the Trustees and to the British public. In the fall of 1736, the Trustees essentially ordered him to return at once, informing him that they desired his "presence in England as early as may be."⁶¹ James Oglethorpe ended his second journey to Georgia after a nine month stay by booking passage aboard the *Two Brothers* in November 1736.

When Oglethorpe arrived in London in January 1737, the Trustees began an uneasy process of smoothing over their internal differences. The day following his return, Oglethorpe dined informally with Vernon, his chief critic amongst members of the corporation. Oglethorpe made sure, though, to also invite Thomas Towers, a personal friend and his strongest backer in the push to assert greater authority over Georgia. A few days later, Oglethorpe spoke privately with Egmont for four hours, seeking to clear up matters that had made other members "very uneasy." Historians have concluded that the reconciliation effort was a complete success since, on 12 January, the Trustees gave their returning colleague their thanks "for the many and important Services done by him

⁶⁰ *Egmont Journal*, 212.

⁶¹ Harman Verelst to Oglethorpe, 22 October 1736, quoted in Ettinger, *James Edward Oglethorpe*, 185-86.

for the Colony of Georgia.”⁶² The gentlemen had two very urgent reasons to present a united front to outside observers. First, South Carolina had submitted its substantial protest over the Indian Trade Act to the Board of Trade just one month before. Second, the annual petition effort for Parliamentary funding loomed on the horizon. Overcoming these challenges would require a united lobbying effort. Visible dissension in the ranks would jeopardize the outcome of both important matters.

Events soon proved that the outward appearance of harmony was more illusion than reality. On 26 January 1737, Vernon suggested that the Trust name William Stephens as their Secretary in Georgia. This proposal was not a reaction to the numerous colonial complaints about tyranny and arbitrary government. Rather, it sprang from doubt over Oglethorpe’s fitness to continue as a Trust representative. Stephens would serve two functions in the colony. First, he could send regular reports from Savannah and keep the Trustees better informed of developments in America. Vernon had long suspected Oglethorpe of keeping his actions secret to avoid having his decisions examined by the Trust. Now the corporation would have someone dependable to keep an eye on colonial proceedings. Second, the Secretary could become an alternative source of advice for Georgia’s magistrates, thereby partially counteracting Oglethorpe’s excessive influence over them. Stephens’ commission granted him no official executive powers, but his unofficial authority would undermine Oglethorpe’s position.

A perusal of Stephens’ journal of his 1736 voyage to South Carolina and Georgia convinced the Trustees that their new man could resist Oglethorpe’s forceful personality. The two men had spoken several times during the trip, and Stephens came away

⁶² *Egmont Diary*, 2: 325-27; *CRG*, 1: 266-67.

unimpressed, suspecting the Georgia leader of reserving prime lands for himself, all the while deflecting criticism by claiming that they were barren. He saw Oglethorpe's comments about the conflict with South Carolina as vengeful and spiteful. Many of the statements he judged "not fit to be committed to Paper." After making inquiries of his own, Stephens "doubted there was too much truth" in Oglethorpe's violent diatribes against his opponents.⁶³ Stephens' appointment was a clear signal that Vernon and some of his colleagues felt that Oglethorpe and the Trust no longer shared common goals.

Oglethorpe's actions in London throughout 1737 and 1738 reinforced the lingering suspicions that he was using Georgia as a means of improving his position in the British imperial system. In February 1737, he had a private meeting with first minister Walpole in which they discussed the military state of Georgia and the other American colonies. Walpole again offered the South Carolina governorship to Oglethorpe, who again refused it. To take civil employment would mean losing his Parliamentary seat. Oglethorpe desired a military commission. He explained that the current dependence on American militia was misguided and dangerous. Instead, he offered a colonial defense plan that required the placement of a 500 man battalion of infantry regulars in every American colony, all under the authority of one overall commander. When Walpole asked if Oglethorpe had himself in mind for the job, the answer was yes. Oglethorpe asked for the position of "Inspector General of all the Forces, with the power to direct & lead them forth."⁶⁴ He desired both the prestige and patronage he could gain by being overall commander of America.

⁶³ *Journal of William Stephens*, 2: 237-38, 252, 254.

⁶⁴ *Egmont Journal*, 232-33.

Oglethorpe had to settle for a different military employment from the one he sought. In March, Walpole promised to get Oglethorpe appointed as commander-in-chief of all forces in South Carolina and Georgia, a position that carried the courtesy title of “General.”⁶⁵ Though intrigued by the proposal, Oglethorpe held out in the hopes of gaining a more powerful and permanent post. He wanted command of both colonies’ military forces, a regiment of regulars, and employment as a regular army officer. Oglethorpe declared that “he would go over on no other terms.” In May, Walpole met Oglethorpe’s terms by adding to his offer a 700 man regiment and a commission as a colonel in the British army. This time Oglethorpe accepted.⁶⁶ In addition to his continuing as a Trustee, Oglethorpe would draw a regular salary from the Crown and take orders from the King. Upon his return to Georgia, he served two masters.

Meanwhile, petitions against Georgia officials and the “illegal proceedings” of the colony’s government continued to stream across the Atlantic. A Grand Jury representation in late 1737 accused Causton of intimidating juries, forcing freeholders to labor on public projects, and making private profits from his duties as Trust storekeeper. He had assumed powers so great that he now threatened the peoples’ liberties as British Subjects. To protect themselves, settlers asked for a written “body of the laws and constitutions of this province.”⁶⁷ Wrote colonial Register John Brownfield in early 1737:

Among the many objections which I have heard made to the execution of your design none has an equal force with this: “If the laws of Georgia are agreeable to those of England . . . why don’t the Trustees send a book of statutes with their by-

⁶⁵ Ibid., 243

⁶⁶ Ibid., 255, 273-74.

⁶⁷ Ver Steeg, *True and Historical Narrative*, 74-79.

laws annexed that every person may be satisfied of the constitution of the province he lives in?

This was an unusual request given Britain's unwritten constitution, but by 1737 the malcontents no longer trusted magistrates to follow custom and precedent. The most common grievance among the people, continued Brownfield, was that "the laws of England are no laws here and what was law yesterday is none today."⁶⁸ The Trustees chose to ignore such complaints against appointees so long as officials obeyed orders and maintained the Trust's control over Georgia. From the malcontents' perspective, it appeared as though the Trustees deliberately chose to sacrifice the colonists' liberty in pursuit of greater authority.

The Trustees were soon spurred to take action against Causton, but not by colonial complaints. They grew concerned that their chief Bailiff consistently exceeded or ignored their instructions. Large and frequent expenditures by Causton had placed the corporation in perpetual financial trouble. Much of the blame for this state of affairs lay with Oglethorpe, whose constant unauthorized drafts on the Trustees while in America had set a poor example for the magistrates of the province to follow. In the General's absence, Causton wrongly assumed that he too had the power to draw bills directly on the Trustees. He did so with alarming regularity despite repeated Trustee pleas that he use only the sola bills periodically sent over. From midsummer 1737 to June 1738, Causton spent nearly £14,000 in unauthorized transactions. His purchases alone consumed nearly

⁶⁸ John Brownfield to the Trustees, 10 February 1737, *Oglethorpe's Georgia*, 1: 296.

fifty percent of the public money granted to Georgia in 1737 and 1738. Egmont noted that the endless monetary drain had “plunged the Trustees in debt.”⁶⁹

Clearly changes were needed to sustain the Georgia project. For a start, the Trustees removed Causton from his positions as Bailiff and storekeeper until he could prove he had not acted irresponsibly.⁷⁰ The gentlemen also needed to slash the colony’s budget in order to keep their books balanced. For a third time, they took out advertisements in the *London Gazette* and the *South Carolina Gazette* declaring that all purchases by Trustee representatives must be made by sola bills, not by drafts on the corporation. Since the two Trust Stores in the province were the source of the financial drain, the Trustees ordered Frederica’s closed, and Savannah’s phased out. In a meeting notably missing Oglethorpe, a group of Common Councilors privately agreed to “strike off all branches of expenses of a military nature.” They then singled out several of Oglethorpe’s favorite projects for elimination.⁷¹ He would have to look to the Crown for money to fulfill his military ambitions.

The corporation enacted these policy changes with little opposition because of a developing consensus that Oglethorpe was no longer completely trustworthy in representing the Trust’s best interests. The Trustees had avoided naming a governor specifically because he would be beholden to the King, and so too was “the General.” The split between Oglethorpe and other Trustees had grown wide by 1738. Several members accused him of compromising both the colony’s welfare and his principles in

⁶⁹ Egmont Journal, 361, 372-73.

⁷⁰ Ibid., 362, 373.

⁷¹ *Egmont Diary*, 2: 472-74.

pursuit of military rank. They noted that after Oglethorpe accepted his regiment, he switched sides in Parliament and began voting with Walpole and the “Court” faction. A few accused Oglethorpe of aiming for a Regiment from the start of the charter effort, which meant that he had done everything over the last several years solely for his own gain.⁷²

Oglethorpe and his critics began to avoid each other whenever possible. When Oglethorpe invited all of his fellow Trustees (over forty) to a grand banquet to celebrate his regiment’s formation, only four showed up.⁷³ Oglethorpe, in turn, boycotted Trust and Common Council meetings to protest the deep budget cuts. His continued insistence that the Trustees appropriate money for the colony’s forts and armed forces raised concerns that the General cared more about his military adventures than he did Georgia’s civilian needs. During a dinnertime conversation with Oglethorpe, Vernon publicly and loudly endorsed this view of Oglethorpe’s motives, sparking an exchange of “some warm words” between the two men.⁷⁴

As Oglethorpe prepared for his return to America in 1738, the Trustees reassessed his role in the colony. Unless they restricted his sphere of action, they “fear’d he would involve them in expences & difficulties not to be got over by assuming more power than became him.”⁷⁵ Vernon even wondered whether Walpole’s private opinion about Oglethorpe was correct—that he should not be allowed in Georgia at all since his head

⁷² *Egmont Journal*, 359.

⁷³ *Ibid.*, 342. The exact number of Trustees at any given date is unclear since neither the official minutes nor Egmont’s journal note the deaths of infrequently attending members.

⁷⁴ *Ibid.*, 357; *Egmont Diary*, 2: 483.

⁷⁵ *Egmont Journal*, 359.

was “too full of schemes.”⁷⁶ Knowing that Oglethorpe would accompany his regiment regardless of their decision, the corporation did not try to block his voyage, but instead “laboured to abridge his power.”⁷⁷ They ordered Oglethorpe to give blank sola bills to Secretary Stephens, Causton, and Henry Parker, a Savannah Bailiff. Any two of them could endorse and spend the bills without the General’s permission. Oglethorpe was to keep Causton in safe custody or under security of bond until the Trustees fully investigated the store’s accounts.⁷⁸ Other than this, the Trust expected Oglethorpe to confine himself to strictly military affairs and let duly appointed magistrates exercise civil authority.

Oglethorpe arrived in Savannah in late September 1738, and, as one prominent malcontent later wrote, “the very shadow of Liberty had fled before the General and his Troops.”⁷⁹ When word reached London that he had dismissed Causton from his positions, Egmont noted with satisfaction that “Mr. Oglethorpe has executed the Trustees’ order in this matter, which some of our gentlemen feared he would not.”⁸⁰ Causton’s removal should have largely ended Oglethorpe’s involvement in the colony’s civilian sphere. However, in spite of his new military duties, he easily slipped back into his role as the unofficial ruler of the colony, acting as if he had heard none of the criticisms leveled at him over the previous two years. The day after his disembarkation,

⁷⁶ *Egmont Diary*, 2: 469.

⁷⁷ *Egmont Journal*, 359.

⁷⁸ *CRG*, 2: 237-38, 247.

⁷⁹ Thomas Stephens, *The Castle-Builders; or the History of William Stephens, of the Isle of Wight, Esq., Lately Deceased* 2nd edition (London, 1759), 102.

⁸⁰ *Egmont Diary*, 2: 516-17.

he wrote to London that he had issued various orders regulating credit relationships in Savannah. With a regiment at his back, he felt the freedom to “execute what is right without fear of disgusting; the danger of which heretofore made me obliged to relax something of that Exactness which I can now support.”⁸¹ Secretary Stephens noted that he found his time wholly taken up “attending the General’s Commands” while Oglethorpe revisited every development in the colony’s administration since his last visit. He immersed himself so deeply in the province’s civil affairs that his orders “took up the Time of all who were any Ways engaged in the Trust’s service.”⁸² Within a short time, wrote minister George Whitefield, the magistrates found themselves subservient to Oglethorpe. “No person here seems to have heart to do anything without his Orders,” Whitefield observed.⁸³

In London, the Trustees again began to wonder whether Oglethorpe was pursuing his own interests at the expense of the corporation’s authority. According to reliable reports, the General was misrepresenting Trust policies in an attempt to court favor with the colonists. The Trustees had originally ordered Causton sent back to England in chains, but changed their minds well before Oglethorpe left England. When he arrived in Georgia, however, Oglethorpe told the colonists only about the original harsh order. He then wrongly made it appear as though it was only through his mercy that Causton could remain free on bond. Egmont, Vernon, and the other gentlemen could only conclude that “by imparting the harshest of his orders and concealing the milder, Oglethorpe

⁸¹ James Oglethorpe to Sir Robert Walpole, 19 September 1738, James Edward Oglethorpe Papers, Duke University Library.

⁸² *CRG*, 4: 214-15.

⁸³ Mr. Whitefield to Mr. Verelst, 29 January 1740, Egmont MSS, 14204: 87.

recommended himself to the people's good opinion at our expense."⁸⁴ He exhibited this same behavior the following year when the Trustees sent over a minor alteration in land tenure that allowed women to inherit in some cases. Oglethorpe disagreed with the changes and kept the new policy secret from Stephens and the colonists. The Trustees expressed their anger "in finding their orders disobey'd when ever not pleasing to Col. Oglethorpe."⁸⁵

Oglethorpe's conflicting explanations about the extent of his authority left Georgians befuddled. At times, Oglethorpe directed the magistrates' every step in a particular matter. In other cases—particularly when it involved an unpopular policy—Oglethorpe refused to give orders, claiming he was powerless to act and the affair was the sole responsibility of the Trustees. The people "scarce knew who were their governors, the Trustees or General Oglethorpe," explained one puzzled resident.⁸⁶ In spite of Trustee expectations, Oglethorpe placed himself back in charge of Georgia's finances. He would not let Causton (whom the Trustees had authorized) endorse any of the sola bills sent over, instead assuming that right for himself. The other two men authorized to issue them, Secretary Stephens and Bailiff Parker, questioned the legitimacy of this decision and refused to sign their names to any bill endorsed by Oglethorpe. Despite this setback, Oglethorpe spent money at a breakneck pace, mounting almost £12,000 in expenses in less than one year—and the expected war with Spain still had not yet begun.⁸⁷

⁸⁴ *Egmont Diary*, 3: 4.

⁸⁵ *Egmont Journal*, 211.

⁸⁶ *Egmont Diary*, 3: 151.

⁸⁷ *CRG*, 5: 203-04; *Egmont Diary*, 3: 47.

These developments prompted a severe reaction from London. The Trustees found him “mistaken in some of his schemes and dispositions of the Colonies affairs.” The corporation in late 1739 drafted a strong dispatch criticizing his actions in Georgia. In January 1740, the Common Council ordered a new printing of sola bills to meet expenses in America. These were sent directly to Secretary Stephens, First Bailiff Thomas Christie, and Third Bailiff Thomas Jones, and could be issued by the signatures of any two of the colonial officials. Egmont noted in his journal that the change in policy “totally excluded General Oglethorpe from handling our money.” To make sure their appointees knew the new order of things, the Trustees told Savannah and Frederica magistrates to execute their orders without consulting Oglethorpe.⁸⁸ These measures made Oglethorpe thoroughly unhappy since they “lessen’d his authority who before contrould all things at pleasure.”⁸⁹ The corporation stripped away his assumed authority by strengthening local officials.

When Oglethorpe plunged Georgia into another bitter controversy by blaming South Carolinians for the disastrous failure of his 1740 attack on St. Augustine, his exasperated fellow Trustees took action to further limit his influence. In December 1740, Vernon addressed an unusually full meeting and suggested appointing someone with greater authority in the colonial government. This was of vital importance, he said, since Oglethorpe had assumed too much control, and now “expects that whatever orders we send . . . shall not be complied with till he gives his own directions therein.” With his new powers, their designated agent would be “wholly independent of Col. Oglethorpe”

⁸⁸ Mr. Verelst to William Stephens Esqr., 17 December 1740, Egmont MSS, 14211: 47-48.

⁸⁹ *CRG*, 5: 266-70, 287, 290.

while remaining subservient to the Trust as a whole. The Trustees “had before taken out of his hands the fingering of Money,” Egmont wrote, “and now Mr. Vernon thought fit to take from him also any concern in the Civil affairs of the Colony.”⁹⁰ The primary governmental reform effort launched from London in the 1740s began not in response to colonists’ pleas for liberty, but as an effort to enhance and maintain the Trustees’ authority over the province.

The discussion of Vernon’s proposal revealed an overriding concern for power and control among rank-and-file Trustees. The members wanted a government with sufficient authority to resist Oglethorpe, yet possessing insufficient authority to resist the will of the corporation in general. Also, the reorganization needed to accomplish these goals without royal involvement. If the Trustees appointed a governor, it “would be in a manner surrendering our charter.” A governor would be subject to Crown approval, not removable at the Trust’s pleasure, and “obliged to obey not only the Trustees’ orders but the orders also of any persons under His Majesty.” If that happened, the corporation might become subservient to the Lords of Trade, who, commented Vernon, “know as little of the colony as they do of trade.”⁹¹

The final plan developed in early 1741 called for a division of Georgia into two “counties” named after their respective seats of government: Savannah in the North and Frederica in the South. Each county would be governed by a President and four Assistants. The Trustees named Secretary William Stephens as President of the North. Savannah’s three Bailiffs (Henry Parker, Thomas Jones, and John Fallowfield) and

⁹⁰ Ibid., 5: 413, 415; *Egmont Diary*, 3: 169,

⁹¹ *Egmont Diary*, 3: 171-72; *CRG*, 5: 415-16.

Samuel Mercer were named his Assistants. Likewise, Frederica's three Bailiffs would become Assistants for the South. The Trustees asked Oglethorpe to recommend qualified candidates for the Southern Presidency and the fourth Assistant's office.⁹² This offer to Oglethorpe was not as significant as it appeared. The Trustees retained the power to reject his recommendations, and, even if Oglethorpe secured the elevation of individuals loyal to him, Frederica's division contained only a small fraction of the province's population. The act of asking the General's opinion, concluded one of Oglethorpe's biographers, was viewed "more as a sop to his vanity than for any profound political reason." In any event, the General chose not to offer any candidates at all, and in 1743 the Trustees abolished Frederica County and named Stephens as President of the entire colony. Though the 1741 alteration in government had significant consequences for Georgia's administration, the corporation did not inform Oglethorpe of Stephens' appointment until five months after all of the details had been safely finalized in London.⁹³ They did not wish to give him the opportunity to block such reforms before they became official.

Though superficially resembling the "governor and Council" model of colonial governance, Georgia's President and Assistants received powers clearly inferior to those enjoyed by provincial governments elsewhere in America. Political appointees in most British colonies performed a broad range of executive and legislative functions. Georgia officeholders found themselves limited to making recommendations to the Trustees. There would still be no legislature, and the executive was severely constrained in his

⁹² *CRG*, 2: 367-68.

⁹³ Ettinger, *James Edward Oglethorpe*, 215; *CRG*, 1: 416.

ability to act. In part, the President's duties were an extension of the Secretary's. They included maintaining a daily journal, transmitting to London information about the number, location, and industry of the various inhabitants, drawing up a map of the colony showing all of the towns and villages, and keeping a list of all ships arriving and departing from Savannah. The President's instructions gave him specific duties instead of a broad discretionary power. Stephens must, ordered the Trustees, discourage immorality, encourage trade, and urge squatters to apply to London for proper title to the lands they occupied. If an Assistant died or neglected his duties, Stephens could appoint another in his place until the Trustees made their pleasure known. Despite his new title and increased prestige, Stephens' main task remained the same: keeping the corporation informed of everything significant that happened in Georgia.

The President and Assistants sitting together possessed powers that neither received separately. Some of these, such as the right to issue liquor licenses, were vulnerable to abuse but relatively insignificant. Two others indicated a trend toward self-government. First, the President, with the consent of the Assistants, had the power to remove and appoint constables and tythingmen. Second, the new government served as a colonial court of appeals. Any judgment delivered by a Town Court involving more than £20 could be appealed within 14 days to President Stephens and his Assistants. Only if more than £100 was at stake could a petitioner appeal this decision to the Trustees.

The new officials found many other normal governmental functions forbidden to them. They could dispose of public money, but could not—without first receiving written directions from the corporation—incur any debts, promise any agricultural bounties, or adjust budget estimates formulated in London. The discretionary fund for

covering unforeseen emergency expenses was limited to £300 per year. The new constitution did not allow Georgia inhabitants any involvement in selecting officials or enacting legislation.⁹⁴

Malcontents in Savannah saw these constitutional changes as insufficient, telling their new President that the new government was useless in guaranteeing their British liberties. They instead demanded a representative assembly and the right to choose their own representatives.⁹⁵ Critics pointed out the many weaknesses in the new plan, including the President and Assistants' lack of accountability to the people. In particular, they mocked the government's new judicial function. The appeals court decided cases by simple majority vote, and if Savannah's three Bailiffs—all Assistants—worked together, they could uphold any wrongful verdict they had delivered as town judges. Recently replaced as a Bailiff, John Fallowfield bitterly commented: "What justice then can be had by an appeal from Court by the person aggrieved when the same three persons agree again when at that Board?"⁹⁶ Dissatisfied settlers considered the reorganization to be a failure since it did not address their demands for slavery, fee simple land tenure, and representative government. The Trustees judged it a success because it accomplished their aims—reducing Oglethorpe's influence and (at least temporarily) securing the corporation's legal supremacy.

While the Trustees in London worked to reduce Oglethorpe's role in Georgia, the General was asking them to grant him greater legal and political authority. In his

⁹⁴ The instructions are in Egmont MSS, 14211: 61-73.

⁹⁵ *CRG*, 4 supp.: 258, 263. Word of the governmental changes arrived at the same time the malcontents elected Thomas Stevens as their agent in London.

⁹⁶ John Fallowfield to the Trustees, 27 July 1742, *Oglethorpe's Georgia*, 2: 643.

opinion, the colony had functioned better “when there was no other but himself to direct and determine all controversies.”⁹⁷ Trouble began only after the Trust appointed magistrates to exercise judicial power in town courts. These men, Oglethorpe said, quickly developed an unwarranted sense of their own superiority and led the colony to ruin. The province would benefit if they would just “confine themselves to the meer Duty of Bailiffs of Corporate towns in England” instead of “imagining that they have any thing to do with other Affairs.”⁹⁸ Even after the creation of the President and Assistants, Oglethorpe continued to insist that he should be the unquestioned leader of the colony. “I think it would be necessary,” he wrote to Egmont in mid-1742, “for the Trustees to send Orders to Colonel Stephens and everyone here not to Act without my Directions.”⁹⁹ The Trustees and malcontents opposed this proposal for opposite reasons—the Trustees because it would transfer too much power from London to America, the malcontents because it would shift authority from local sources to Oglethorpe.

The 1741 reforms accelerated Oglethorpe’s marginalization in Georgia’s civil affairs. Bolstered by Trustee instructions, local magistrates began to ignore the General’s advice. In January 1741, Frederica constables arrested David Fellows, one of Oglethorpe’s “water men.” Oglethorpe immediately intervened and declared the proceedings improper. Savannah Bailiff Thomas Jones witnessed these events and suggested that everyone let the magistrates exercise their legal authority in the matter. Risking the General’s wrath, Jones insisted that the Frederica officers had acted correctly and that

⁹⁷ Mr. Thomas Jones to Colonel William Stephens, 19 February 1741, Egmont MSS, 14205 part 2: 270.

⁹⁸ Colonel Oglethorpe to the Trustees, 24 January 1741, *ibid.*, 14205 part 1: 123.

⁹⁹ General Oglethorpe to the Earl of Egmont, 18 June 1742, *ibid.*, 14206: 100.

Oglethorpe had conducted himself with “manifest partiality.”¹⁰⁰ After becoming President, Stephens also no longer routinely deferred to Oglethorpe’s judgment. In December 1741, for example, Oglethorpe requested that the President and Assistants conditionally give a tract of land to the infant son of one James Pappott until the Trustees could confirm the grant. When Stephens refused, the General wrote a more forceful note insisting that the council accept his opinion. The President and Assistants rejected the resubmitted proposal.¹⁰¹

It took slightly longer for Frederica magistrates to break entirely free of Oglethorpe’s influence. From 1738 to 1743, Oglethorpe made the southern settlement his base of operations. Frederica’s location—chosen for its defensive attributes—offered little prospect for agricultural success, so the regiment stationed there became the center of the town’s economic web. Taverns and brothels thrived, and the few ships that arrived in the outpost from England or other British colonies usually carried goods for the garrison’s use. The regiment’s importance to Frederica’s economic survival gave Oglethorpe tremendous control over the inhabitants. Since he considered Savannah’s unpredictable juries “the Bane of the Colony,” he made sure Frederica’s court tried many rum smugglers without juries.¹⁰² First Bailiff Hawkins wrote to London of his belief that “General Oglethorpe acting as a Trustee was invested with a Superior Authority to the Magistrates.” For their part, corporation members expressed their “surprize” at Hawkins’ mistake “since no single Trustee has any power at all in the Civil Government of the

¹⁰⁰ Thomas Jones to William Stephens, 24 July 1741, *Oglethorpe’s Georgia*, 2: 592-96.

¹⁰¹ *CRG*, 6: 16, 29.

¹⁰² Jones to Stephens, 19 February 1741, Egmont MSS, 14205 part 2: 475; James Oglethorpe to the Trustees 4 July 1739, *Oglethorpe’s Georgia*, 2: 409.

Province, except what is devolved by the Collective body of the Trust, nor any Authority but what is derived from them.”¹⁰³ By the time Oglethorpe left America permanently in 1743, his power was reduced solely to military affairs.

When he left the shores of Georgia behind him forever, Oglethorpe left behind a tense civil-military relationship that plagued the province until the regiment’s dissolution in 1749. Such problems were not new to Georgia, nor were they unique in British North America.¹⁰⁴ Since military defense against Indian and European enemies played such a large role in any colony’s early years, magistrates had to co-exist with a wide array of military men—rangers, scouts, independent companies, naval officers, and militia.¹⁰⁵ Conflict often proved unavoidable. In early 1735, Savannah Bailiff Thomas Causton expressed his annoyance at the behavior of militia officers. If the constables or tythingmen arrested someone, the “military gentlemen” felt free to set them loose at their own discretion. They also chose which orders to execute and which to ignore. By the summer of 1735, Causton reported to Oglethorpe that the military officers “are ambitious

¹⁰³ Mr. Martyn to Mr. Thomas Hawkins, 10 May 1743, Egmont MSS, 14213: 119.

¹⁰⁴ Studies of civil-military relations in early America tend to focus on the Seven Years War and the Revolutionary period, in large part because regular army garrisons in settled colonies were relatively rare except during wartime or in the decade before the Revolution. For the Seven Years War, see Alan Rogers, *Empire and Liberty: American Resistance to British Authority, 1755-1763* (Berkeley, 1974); Fred Anderson, *A People’s Army: Massachusetts Soldiers and Society in the Seven Years War* (Chapel Hill, 1984); and Douglas Edward Leach, *Roots of Conflict: British Armed Forces and Colonial Americans* (Chapel Hill, 1986). On the years of crisis leading to the outbreak of the Revolution and the War for Independence, consult John Shy, *Toward Lexington: the Role of the British Army in the Coming of the American Revolution* (Princeton, 1965); Charles Royster, *A Revolutionary People at War: the Continental Army and American Character, 1775-1783* (Chapel Hill, 1979); and Sylvia Frey, *The British Soldier and America: a Social History of Military Life in the Revolutionary Period* (Austin, 1981).

¹⁰⁵ Larry E. Ivers, “Rangers, Scouts, and Tythingmen,” in Jackson and Spalding, ed., *Forty Years of Diversity*, 152-62.

enough to set up the military power in opposition to the civil [power] and will by no means think of living conjunctively.”¹⁰⁶

When Oglethorpe resided in Georgia, he did nothing to dissolve the tension. Instead, he merged the civil and martial spheres. He exercised control over both the colony’s armed forces and its courts. As shown above, the Trustees hoped that Oglethorpe’s 1737 army commission would end his involvement in non-military provincial matters. Instead of acknowledging the separation between the civil and military in Georgia, though, the General forged closer ties between his regiment and the town magistrates of Frederica. First Bailiff Hawkins, a doctor, was appointed the regiment’s medical officer and surgeon. When the opportunity presented itself, Oglethorpe installed one of his soldiers, Thomas Marriot, as Second Bailiff of Frederica.¹⁰⁷ He could count on these men to obey his orders in both their regimental and governmental capacities.

Oglethorpe’s unique situation—simultaneously a civilian representative of the Trust and Georgia’s chief military officer—created unfortunate precedents. His assertion of authority over every aspect of provincial affairs provided a poor example to those who assumed temporary command during his absences. When Oglethorpe left Georgia in November 1736 to seek the appointment of a regular regiment, he named William Horton as acting commander of the militia. Horton did not confine himself to his military duties, and the Trustees at first encouraged his activities in the civilian sphere. Horton was given the authority to “defray such Contingents Expenses as may happen in the Southern

¹⁰⁶ Thomas Causton to James Oglethorpe, 24 March 1735, *Oglethorpe’s Georgia*, 1: 142, 144; Causton to Oglethorpe, 7 July 1735, *ibid.*, 1: 218.

¹⁰⁷ James Oglethorpe to the Trustees, 19 October 1738, *ibid.*, 2: 353; Thomas Jones to William Stephens, 24 July 1741, *ibid.*, 2: 595.

Division of the Province.” He also was instructed to lay out land grants for new settlers, much as Oglethorpe had done.

Horton interpreted his instructions as providing him with a broad authority to direct Frederica’s civil government, including the power to draw directly on the Trustees for money. From 1736-1738, Horton exercised such control over Frederica that inhabitants later referred to him as their former “Governour.”¹⁰⁸ Settlers protested against the inherent oppression of military government, and grumbled that Horton imperiously ordered them about as if they were his servants. So unpopular was he in some circles that the reverend John Wesley promised to travel to England and “Demand Justice from the Trustees against Wm. Horton Esqr. Commander of Frederica.”¹⁰⁹ Wesley’s threat proved idle, however, and Horton’s brief reign ended uneventfully with Oglethorpe’s 1738 return.

Horton managed to secure a commission in the regiment, and obviously retained Oglethorpe’s favor. He rose rapidly in the regimental hierarchy—obtaining the ranks of Ensign, Lieutenant, Captain, and Major by 1743 despite a two year absence in London from 1740-42 while war raged in America.¹¹⁰ When Oglethorpe’s senior officers, including Bailiffs Hawkins and Marriot, accompanied the General to London in 1743, Horton became the regiment’s acting commander. The Major soon clashed with the two chief civilian officials in Frederica, Third Bailiff John Calwell and Recorder John Terry—attempting to impose his will on them as Oglethorpe had done. In early 1744,

¹⁰⁸ Harman Verelst to William Horton, 12 August 1737, *CRG*, 29: 226; Harman Verelst to Thomas Causton, 19 May 1738, *ibid.*, 29: 273; Samuel Perkins to the Trustees, 4 May 1741, *ibid.*, 23: 26, 28.

¹⁰⁹ William Horton to Thomas Causton, 7 May 1737, *ibid.*, 21: 460.

¹¹⁰ *Ibid.*, 5: 287, 590.

Terry reported to the Trustees that Horton, not content with his military duties, “appropriates to himself here the Authority of a Prince . . . Absolutly Commanding and threatening the Magistrate & Recorder As his Vassals.” Robberies and sexual assaults by soldiers were common occurrences, claimed Terry, and Horton worked to thwart justice unless the victim was a friend or supporter of the Major. When Calwell began taking affidavits in a case involving a brawl between soldiers (which fell under civil authority since it took place in a private home and involved substantial property damage), Lieutenant Thomas Goldsmith disrupted the proceedings. Calwell regretfully conceded that the “Magistrates Are Over Powered & Directed by the Military.” When the victim in the incident decided to take his case to England for judgment, Goldsmith reportedly threatened his life. What amazed Terry was Horton’s response when told of the events. Rather than disciplining Goldsmith, the Major did absolutely nothing to censure him or the other soldiers involved.¹¹¹

Calwell’s letters to London also painted a sad portrait of the situation in Frederica. Horton prevented the town court from convening, the Bailiff charged, “not suffering us to Act or proceed even against housbrakers or Fellons but ordering all Crymes to be tried by Reigimentell Court Martials.” If the accused was in the Major’s favor, he made sure they were found not guilty regardless of the evidence. He even withheld the town seal from the magistrates to hinder them in their official duties. Whenever Calwell managed to hold court and pronounce sentences, he found that defendants appealed their punishment to Horton, much as they had formerly sought Oglethorpe’s intervention in legal matters. Horton, a former undersheriff of Herefordshire, countered that his superior knowledge of

¹¹¹ John Terry to the Trustees, 27 August 1744, *ibid.*, 24: 247-67.

the law made him a better judge of the law than either Calwell or Terry. To this Calwell retorted that a more thorough understanding of statutes did not excuse tyranny.¹¹²

When the Trustees received these complaints against Horton in November 1744, they took quick and decisive action. They had two reasons for concern. First, Horton drew his pay and took his orders from the King, not the Trustees. Allowing him to establish a fiefdom in southern Georgia would undermine the corporation's authority in the colony. Second, arbitrary military government had struck fear into the hearts of most British subjects since the chaos and destruction of the English Civil War a century prior.¹¹³ Georgia could ill afford any further negative publicity if the Trustees hoped to retain Parliamentary support in the future. The Trustees first proposed petitioning the King to intervene and issue orders for Horton to obey civil officials, but that motion was quickly withdrawn. The Trustees did not want to rely on the Crown to maintain their control over Georgia lest they become beholden to royal authority.¹¹⁴

In an unusually well-attended meeting on 17 December 1744, the assembled members adopted three resolutions. First, that the charter invested civil authority in the Trustees and their representatives, and stated that all legal actions should be undertaken according to English customs. Second, that "no Military Officer, as such, ought, or hath any right, to interfere in any Civil Matters." Third, that Oglethorpe should send orders restricting

¹¹² John Calwell to the Trustees, 1 August, 1744, *ibid.*, 24: 283-89; *Egmont Diary*, 2: 194.

¹¹³ Consult Lois G. Schwoerer, *"No Standing Armies!": the Antiarmy Ideology in Seventeenth-Century England* (Baltimore, 1974).

¹¹⁴ *CRG*, 1: 459.

Horton to military matters only.¹¹⁵ The Common Council, meeting in January 1745, defined its position more clearly by establishing a new rule. Any person who held or accepted military employment would be barred from the offices of Bailiff and Recorder. All agreed save Oglethorpe, who, having worked hard to get his subordinates into positions of power in Georgia, dissented from the resolutions.

While the corporation upheld civil authority in the abstract, it did not translate principle into practice. The Common Council noticed the absence of Frederica's top two officials on regimental business and permanently suspended the town court.¹¹⁶ Ideally, Savannah's court would handle all legal matters in Georgia. However, in reality Horton continued his reign in Frederica. When Terry continued his vitriolic attacks in letters to England, he incurred Horton's wrath. The former Recorder soon faced accusations of rape, which irreparably shattered his reputation. The woman later recanted, claiming that she had been coerced into making false statements. Since Horton took the initial depositions, a logical conclusion would be that he trumped up the charges. Though he was clearly not guilty of rape, the shame and embarrassment of the case drove Terry back to England.¹¹⁷ Calwell ceased his criticism, but Horton nevertheless blocked the former Bailiff's appointment to the lesser position of conservator of the peace.¹¹⁸

¹¹⁵ The 13 meetings from January to November 1744 drew an average of 8 members, with 13 as the high. On 17 December, 17 members attended.

¹¹⁶ *Ibid.*, 1: 460-63; *ibid.*, 2: 444-45.

¹¹⁷ John Pye to the Trustee, 10 March 1746, *ibid.*, 25: 23; John Terry to the Trustees, 25 March 1746, *ibid.*, 25: 33; Patrick Graham to the Trustees, 13 September 1745, *ibid.*, 25: 110-11; William Stephens to Harman Verelst, 15 December 1746, *ibid.*, 25: 146.

¹¹⁸ President and Assistants to Benjamin Martyn, 22 October 1747, *ibid.*, 25: 244-45.

Terry and Calwell were not the only inhabitants who protested Horton's administration. John Dobell in 1746 informed the Trustees that since the abolition of the town court, conditions had grown worse. The majority of the townspeople gave "homage creeping and cringing" to the Major as though "Jupiter had drop't down some King among 'em." When individuals spoke out against Horton's conduct, he shifted the blame to the Trustees, singling out James Vernon—Oglethorpe's leading critic in the Trust—for particular reproach.¹¹⁹ Little controversy arose in London about Frederica's military government in 1746 and 1747, largely because Major Horton worked effectively with the President and Assistants. Stephens and Horton enjoyed a mutual respect, and each tended to support the actions of the other. As a reward, Horton in 1747 was named a Conservator of the Peace, which legitimized his claims to civil power.¹²⁰ Though military rule was not exactly what the malcontents envisioned when they clamored for less Trustee control over the province, Horton nevertheless established a local source of power in Georgia strong enough to resist Trustee orders. His reign in Frederica and his ties to Stephens—who was himself becoming more independent minded—served to enhance colonial authority.

The arrival of Lieutenant Colonel Alexander Heron in June 1747 disturbed the fragile political alliance between the regiment and the civil government. As the highest ranking officer in Georgia, he assumed command of Oglethorpe's regiment. Heron had first arrived in 1738, serving with distinction in the army and leaving no record of trouble either with civil or military leaders. He went to England in 1743 to answer questions

¹¹⁹ John Dobell to the Trustees, 17 May 1746, *ibid.*, 25: 49; Dobell to the Trustees, 11 June 1746, *ibid.*, 25: 72.

¹²⁰ President and Assistants to Benjamin Martyn, 2 October 1747, *ibid.*, 25: 236.

about his General's conduct in America, and then lingered for over three years before returning to his post. Heron presented a new challenge for the colonial government since he never developed a rapport with the President and Assistants. While clearly a more able and energetic military man than his immediate predecessor, Heron's lack of diplomatic skills undermined his relationship with Georgia's officeholders from the beginning. Prolonged interaction between the Colonel and the President bred confusion, mistrust, and, finally, disgust. Not only did Heron undermine Trustee authority, he also worked against the President and Assistants. He carved out a colonial power base wholly independent of the corporation or its representatives.

Soon after Heron assumed his command, he became embroiled in an ongoing battle between the Trustees and Mary Bosomworth, an Indian interpreter.¹²¹ In 1746, Bosomworth had demanded £1,204 for services rendered to the colony, but the Trustees denied her petition. In January 1747 she and her husband secured a grant of three islands from local Creek Indians and pushed the provincial government to recognize the claim. The President and Assistants thought the transaction of dubious legal merit. Soon after this, Heron found himself set upon by nearly one hundred Creeks, each swearing that the grant was both legal and proper. This demonstration convinced Heron of the transaction's validity, and he did what he could to see that the Bosomworths acquired their property. William Stephens later hinted that Heron had been promised a portion of

¹²¹ Rodney Baine, "Myths of Mary Musgrove," *Georgia Historical Quarterly* 76(1992): 428-35; E. Merton Coulter, "Mary Musgrove, 'Queen of the Creeks,'" *Georgia Historical Quarterly* 11(1927): 1-30.

the Bosomworth claims in return for his support, but the President's accusation was based upon nothing but idle speculation.¹²²

Heron claimed to have the colony's best interests at heart in everything he did. When he openly proclaimed his support for slavery, he did so from a conviction that Georgia could not succeed without the peculiar institution.¹²³ The pronouncement did not endear him to the Trustees or Savannah officials, nor did Heron's open and close friendship with South Carolina's royal Governor James Glen. The intercolonial rivalry between neighbors had cooled, but not died.

The first signs of a serious breach between Heron and civil authorities came on 30 January 1748. The President and Assistants received a report that Heron granted settlers "free Liberty to introduce and make Use of Slaves in that part of the Colony." According to the rumor, Heron himself used slave labor on his property and declared that "he will protect and support the same [slavery] in Opposition to all Authority."¹²⁴ In 1749, Frederica constable William Abbot complained that he had been beaten to prevent him from arresting violators of the slavery prohibition. To President Stephens, it seemed that Heron had set himself up in opposition to civilian government.¹²⁵ Indeed, Heron had established a functioning alternate colonial government in opposition to the Trustees. By

¹²² Coleman, *Colonial Georgia*, 84-85; President and Assistants to Benjamin Martyn, 8 September 1749, *CRG*, 25: 414-15.

¹²³ Alexander Heron to the Trustees, 11 May 1748, *ibid.*, 25: 295.

¹²⁴ *Ibid.*, 6: 207-08.

¹²⁵ *Ibid.*, 6: 241-42.

the end of his tenure in Georgia, Heron neither wanted nor expected anything from Savannah's "set of needy wretches."¹²⁶

Georgia's structurally inadequate government presented both Horton and Heron with many difficulties. Several British privateers operated from Frederica during the 1739-48 war, capturing ships trading with the French or Spanish. These seizures were usually followed by protests of innocence from offended ship captains. The outcome of the dispute could mean a significant shift of property. If the seized captain was found guilty, the privateer and his crew were entitled to the proceeds from the sale of the captured vessel and cargo. If the capture was declared unlawful, the privateer might be held liable for any damages caused to the other ship. For this reason, maritime cases required careful attention and deliberation. Other colonies referred such cases to Vice-Admiralty courts for adjudication, but Georgia lacked this vital institution because the Trustees never requested one from the Crown.¹²⁷

Horton was forced to improvise in the 1740s, establishing a provisional court to hear cases until royal authorities in London authorized a regular court. Horton named local resident and soldier Captain Mark Carr to the bench. In most cases, Carr would appoint four local appraisers to examine and settle financial questions, and estimate damages and proceeds—serving in effect as a jury. Pennsylvania merchant William Logan had business before the Vice-Admiralty court in 1745, and was unimpressed by the

¹²⁶ Quoted in Larry E. Ivers, *British Drums on the Southern Frontier: the Military Colonization of Georgia, 1733-1749* (Chapel Hill, 1974), 207.

¹²⁷ On Vice-Admiralty Courts, see Carl Ubbelohde, *The Vice-Admiralty Courts and the American Revolution* (Chapel Hill, 1960). Individual colony studies include David R. Owen and Michael C. Tolley, *Courts of Admiralty in Colonial America: the Maryland Experience, 1634-1776* (Durham, N.C., 1995) and John Rumbley Williams, "Maritime Justice in Colonial Georgia," (Ph.D. Diss., Auburn University, 1987).

experience. He considered Carr unacquainted with the law and too dependent upon advice from Horton.¹²⁸

When Heron wrote to the British Admiralty in 1748 suggesting the appointment of Carr to an official Vice-Admiralty court, the Colonel angered the Trustees. Before even inquiring into the matter, the Trustees fired off an indignant letter to the government protesting that the action was undertaken “without the knowledge of, or any Application from the Trustees, in whom alone the Government of the Province is vested.” The Trustees seemed understandably embarrassed when the response came back that Carr had not been appointed because no Vice-Admiralty court existed. Though the Admiralty had every right to establish such a court and appoint judges to it, the Trust fought against any encroachments upon its authority in Georgia.¹²⁹

The temporary Frederica court’s dubious legal standing inevitably caused discord. In 1748, the Board of Trade received a protest from Privateer William Thompson. Captain Thompson had captured a Swedish ship carrying a cargo of French sugar. When he brought the prize to Frederica, though, the complaint alleged, Colonel Heron seized it and deprived him of his prize money. Though the Board noted the dispute, it took no action other than postponing a letter to Heron.¹³⁰

The 1748-52 legal conflict with Captain Caleb Davis caused a more serious disturbance. Davis was an active, ambitious, and sometimes reckless privateer. He was

¹²⁸ William Logan, “Journal of a Journey to Georgia, 1745,” *Pennsylvania Magazine of History and Biography* 36(1912): 170-71.

¹²⁹ *CRG*, 1: 507-10.

¹³⁰ Lieutenant Colonel Heron to the Trustees Accountant, 2 January 1748, *ibid.*, 25: 250; *Board of Trade Journal, January 1741-2 to December 1749*, 349.

known to pore over suspected smuggling ships from stem to stern, even to the extent of poking holes in bags of sugar to look for illicit cargo. In 1746, he had accidentally attacked and boarded a British ship carrying colonists bound for Georgia. Despite this carelessness, Heron expressed his admiration for Davis, saying that he “never goes out but he takes or destroys some of the Enemy’s Vessels.”¹³¹ In late 1748, Davis captured the *Murray*, owned by James Edward Powell of South Carolina. According to Davis, documents found onboard the *Murray* proved that the ship had carried provisions to the Spanish garrison at St. Augustine. He took the case to the Frederica Vice-Admiralty Court, where—because of interminable delays in the case—Davis decided to take Powell’s settlement offer of £600 instead of pressing for the full £4,000 (or higher) value of the ship. Instead of keeping this bargain, Powell then filed a civil action against the privateer in the Savannah town court.¹³² Ordinarily, a colonial civil court could not review such maritime cases, but the uncertain authority of the Frederica court made Powell’s action possible. Davis was ordered to remain within the limits of Frederica under military watch until his case was fully concluded. Davis blamed the entire fiasco on Colonel Heron’s influence over the Vice-Admiralty court. Had that institution given him a satisfactory resolution, he believed, there would have been no reason to strike a deal with Powell.

Unhappy about nearly every aspect of the proceedings, Davis lashed out against “the unbounded pride of usurped Military Power in contempt of the constitutional Civil Power of this Land.” First, he filed suit in Savannah against Captain Raymond Demere of the

¹³¹ John Dobell to the Trustees, 17 May 1746, *CRG*, 25: 42-43; Heron to the Trustees Accountant, 2 January 1748, *ibid.*, 25: 251.

¹³² *Privy Council, Colonial*, 4: 129.

regiment for preventing him from departing the colony. Eager to strike a blow against Heron's power base, the Savannah court on 7 July 1749 awarded Davis £300 in damages against Demere.¹³³ Davis also appealed directly to the Duke of Bedford, Lord of the Admiralty, for assistance against the "Supreme Delinquent Officer of the Army then at Georgia." In August 1749, Bedford ordered Davis to embark for England at once to "make good" the severe accusations he had leveled against Powell, Heron, and the Frederica Vice-Admiralty court.¹³⁴

In June 1752, Davis argued his case in England. In a petition to the Privy Council, he charged Powell with smuggling and Heron with unlawful embezzlement of money left behind by the privateer. Davis also asked that Heron be forced to make "Restitution and Satisfaction for what has been taken away from the Petitioners Ships by his Order." When Powell declined to make the journey from South Carolina to London to answer the petition in person, the Privy Council summarily reversed the 1749 judgment in his favor, ordering Davis' money returned with interest. Heron made a convincing defense in April 1753, leading to a dismissal of the complaint against him and a judgment of £40 against Davis for the Colonel's expenses.¹³⁵ The entire tangled situation might have been avoided had the Trustees established the customary legal institutions that existed in other British colonies. To do so, however, would have undermined the Trust's goal of minimizing colonial authority.

¹³³ Ibid., 4: 286-87.

¹³⁴ Journal of Captain Caleb Davis 1714-1763, Keith Read Collection, University of Georgia Libraries, folder 49b, 10-19. Quoted on page 13.

¹³⁵ *Privy Council, Colonial*, 4: 128-29, 170-72.

When the British government in 1749 ordered Oglethorpe's regiment disbanded, the conflict between Heron and civil authorities largely ended. He maintained his residence in Georgia while commander of a South Carolina independent company. He did this despite, the "difficulties" thrown in his way by the President and Assistants. Heron owned at least 500 acres of land on Midway island, two town lots in Frederica on which he had "built a very good house," and two lots in Savannah. Possessing lots in Savannah brought civic duties that most settlers tried to avoid, but Heron pledged that he had "done and shall do Guard duty and everything else required." In defending himself against his many critics, Heron wrote that his only fault was being "zealous in promoting the good of the Colony." Perhaps, he mused, the bitterness against him came from magistrates jealous of his popularity with the people?¹³⁶

During the final years of Trustee rule, Georgia inhabitants exercised more control over local affairs. Though the President and Assistants' appellate jurisdiction was removed in 1745, the board slightly expanded its role by 1752. When the colonial government approved land petitions during its first few years, it did so only provisionally until "the Trustees will confirm it." According to the Georgia corporation's bylaws, only the Common Council possessed the power to grant lands. However, many of the Trustees had grown apathetic about the colony and the Common Council met with appalling infrequency. Whereas the board met as many as 15 times per year in the 1730s, it averaged only two gatherings per year from 1745-52. The tremendous backlog of business encountered at most meetings precluded the meaningful consideration of each

¹³⁶ Alexander Heron to Benjamin Martyn, 18 May 1750, *CRG*, 25: 490-92.

land request. By 1748, the President and Assistants granted land outright, anticipating Trustee approval as a matter of routine.¹³⁷

The Trustees' continual desire for more information from America eventually pushed them into establishing a representative colonial institution. On 19 March 1750, the Common Council authorized Georgia's first "Assembly of the People." The appointment explicitly stated that only the Trustees had the power to legislate. The Assembly could "only propose, debate, and represent" possible courses of action. Savannah would elect four "deputies," other major towns would choose two, and any village with over ten families was entitled to one. There were no qualifications spelled out in 1750 either for suffrage or for membership in the Assembly, but future candidates would have to meet unusual qualifications. England and other colonies normally had property requirements, but the Trustees favored a loyalty test. After 1753, anyone wishing to sit in the Assembly had to prove that he had strictly followed the Trustees' slavery laws, produced at least fifteen pounds of silk for every fifty acres of land, and had at least one female in his family capable of reeling silk. As the regulations on slavery and silk production were widely ignored in the colony, only a few (if any) Georgia inhabitants could have qualified to vote in future years. To further protect their interests, the Trustees gave the President of the colony the power to veto the deputies' choice for Speaker—a right enjoyed by royal governors throughout America. By establishing an assembly, the Trust hoped only to gain more information, not to enhance colonial authority.¹³⁸

¹³⁷ The minutes of the President and Assistants in *CRG* 6 demonstrate the evolution in outlook. For example, compare the 1745 grants on p. 131 with the 1748 grants on p. 225

¹³⁸ *Ibid.*, 2: 498-500.

When they received the corporation's order, Vice-President Henry Parker and the Assistants issued writs for elections on 15 December 1750.¹³⁹ Since few in the colony had experience with elections on this scale, the process bred confusion and factionalism. Anticipating this, Parker dispatched officers to oversee and monitor the voting. On 31 December 1750, Assistant James Habersham reported that a group of "idle People" had caused a "Party Spirit" to arise, thereby threatening to politicize the forthcoming assembly. The group in question was pledged to support former Assistant Samuel Mercer, who had been suspended from his office by Parker and the Council a few months before for his support of Mary and Thomas Bosomworth. Mercer and his supporters launched a petition campaign to get him reinstated.¹⁴⁰

When the sixteen delegates met in Savannah on 16 January 1751, they resolved to be an active rather than passive assembly. After choosing Francis Harris, a prominent Savannah merchant, as its Speaker, the body quickly asserted a right to regulate its membership and adjudicate disputed election returns. After a brief debate, the gentlemen judged the Abercorn election "undue" and disqualified the delegate. They followed this with the disqualification of another member from Ogechee on 21 January. The President and Assistants then issued new writs for elections to fill up their ranks. Since the

¹³⁹ Ibid., 6: 368. Parker was named Vice-President in 1750 to fill in for the aged (79 years old) and ailing William Stephens.

¹⁴⁰ James Habersham to Benjamin Martyn, 31 December 1750, *ibid.*, 26: 113; *ibid.*, 6: 315-16; Letter from some of the inhabitants of Savannah to the Trustees, 12 December 1750, *ibid.*, 26: 84-86; Letter from some inhabitants of Abercorn in Behalf of Mr. Mercer to the Trustees, 2 January 1751, *ibid.*, 26: 122-24.

inhabitants of Abercorn had petitioned in favor of Marcer, the men expelled were possibly Marcer loyalists.¹⁴¹

During three weeks of deliberations, the President and Assistants attempted to steer the Assembly away from controversial questions. In one failed effort to “lead the Assembly right in their Debates,” the council read several letters regarding silk manufacturing in Georgia, hoping in vain that the subject would absorb the deputies’ attention.¹⁴² Assistant James Habersham prodded the representatives—with little success—to recommend that the Crown renew the Trust’s Charter, due to expire in 1753, for another twenty-one years. Parker attributed the Assembly’s reluctance to a lack of experience in government, but a more reasonable conjecture is that the delegates had no desire to continue under Trustee rule.¹⁴³

After reaching a consensus on which “grievances” to send to London, the congress ended with a conflict over privileges and liberties. On 8 February 1751, the President and Assistants asked Speaker Harris to return the appointment papers which established the Assembly and endowed the authority to issue writs of election. The Speaker refused, insisting that it was the Assembly’s right to keep the documents, and, by extension, exercise the powers contained therein. When the argument grew heated, the President finally acceded and then dissolved the meeting.¹⁴⁴

¹⁴¹ Lilla M. Hawes, ed., “Proceedings of the President and Assistants in Council of Georgia,” *Georgia Historical Quarterly* 35(1951): 327-28.

¹⁴² *Ibid.*, 329.

¹⁴³ James Habersham to Benjamin Martyn, 25 January 1751, *CRG*, 26: 146; President and Assistants to Benjamin Martyn, 19 February 1751, *ibid.*, 26: 146.

¹⁴⁴ Hawes, ed., “Proceedings of the President and Assistants,” 332.

Most of the representations to the Trustees involved the mundane day-to-day needs of people in a struggling, distant province. Inhabitants requested lower quit rents, better roads, standard weights and measures, encouragements for silk manufacturing, a seaworthy boat for the pilot's use in guiding ships into harbor, and a fire engine to extinguish blazes. All of these met with the Georgia corporation's approval. Three Assembly resolutions, though, drew negative comments from the Trustees. First, the delegates asked that the Trust remove a tax on slaves imported from South Carolina. As this would encourage established Carolina planters to move into Georgia and create a plantation society, the request was denied. The Trustees had fended off too many South Carolina challenges to their authority to surrender at this late stage.

Second, the Assembly desired the establishment of a Court of Equity so "that Persons Who think themselves aggriev'd by any Verdict or Judgment in the Town court may appeal." Georgia had lacked an appeals court since 1745 when the Trust revoked that particular right of the President and Assistants. The settlers were therefore exactly in the same situation as in 1733. Should they feel oppressed by a verdict, they had no recourse other than an expensive and time-consuming appeal to London. Despite this, the Trustees declared that they "see no Occasion for such a Court, and that it will tend to the encouragement of Vexatious Suits." Savannah's Assistants wrote privately that the delegates had a hidden motive for this particular proposal. A set of unhappy inhabitants sought to remove Parker from the Vice-Presidency by "promoting" him to head the Court of Equity.¹⁴⁵ With this in mind, the Trustees therefore declined the request.

¹⁴⁵ Letter from Three of the Assistants to Benjamin Martyn, 20 February 1751, *CRG*, 26: 160.

Finally, the Georgia Assembly recommended a fundamental shift in legislative power. As the corporation often pointed out, the charter gave the Trustees sole authority to draft and enact laws regulating the settlement. The deputies then sought for themselves “the power of making By Laws, the same to be in force till disapprov’d of by the Trustees.” As expected, the Trustees voted down this idea. The people could ask for laws, but they must rely on the Trustees to make good and wise regulations.¹⁴⁶ The Georgia Assembly had asked for a transfer of power from London to Savannah, but the Trustees still would not delegate greater authority to the colonists.

Had the Assembly continued to meet on an annual basis, it probably would have increased its powers each year until it more closely resembled legislative bodies in other British colonies. The Trustees and Georgians were spared such developments, however, by events in April 1751, two months before the Assembly’s representations arrived in London. Parliament refused the corporation’s request for money, and the gentlemen decided that they could not afford to administer the colony for the remaining two years of their term. The corporation began the tedious and lengthy negotiations required to surrender their charter to the Crown. Four Georgia Trustees attended the final meeting on 23 June 1752. Among them was James Vernon, giving him the distinction of being the only Trustee present at both the first and last meeting of the Trust. After concluding the matters before them, the assembled members defaced the corporation’s seal, thus destroying the final symbol of their long-cherished authority.¹⁴⁷

¹⁴⁶ The Representations and the Trustee responses are in *ibid.*, 1: 557-61.

¹⁴⁷ *Ibid.*, 1: 578.

CHAPTER FOUR INTERREGNUM AND ACCESSION: GEORGIA IN TRANSITION, 1752-1757

Georgia emerged from its initial two decades in a weak and precarious situation. The Trustees' attempt to construct a perfect proprietary system ended in failure for both governors and governed. Unwise and unpopular property regulations had stunted the colony's political and economic development. In the 1740s, the province's main exports consisted of petitions against Trustee policies. The few goods imported into the province usually came through South Carolina since few ships saw any reason to put in at Savannah. Beginning in 1750 and continuing throughout the colonial period, though, Georgia experienced a profound transformation. Free from smothering property constraints and bolstered by waves of settlement from Carolina and elsewhere, Georgians busily went about building a plantation economy similar to those found in the southernmost parts of British North America. For the first time colonists felt they were making progress towards prosperity and freedom. A renewed spirit of optimism

reinforced settlers' commitment to defend liberty and opportunity against all possible threats—including the anxiously awaited royal governor.

When the Georgia Trust opened negotiations to surrender their charter to the Crown, they and the Board of Trade pondered the colony's numerous maladies, all the while offering soothing and unrealistic assurances that everything was just fine. In June 1751, Trust Secretary Benjamin Martyn told government officials that Georgia was "in a flourishing way, and the inhabitants daily increasing." With a few minor encouragements and just a bit of patience, he insisted, British merchants would soon be carrying shiploads of valuable silk and indigo from Savannah to London.

This glowing report showed how little the Trustees understood conditions in Georgia despite twenty years of voluminous correspondence from the province. The Board of Trade's questioning of Martyn and the Trustees revealed that it knew even less about the Crown's new responsibility. Without Martyn's information, the Board would have been unable to determine Georgia's main crops, population centers, system of government, or projected expenses for the future. When bluntly asked about the extent of Georgia's tax base, Martyn eventually conceded that not all was well in America. While Georgia's trade and agriculture indicated the potential for future growth, the inhabitants could not yet bear a tax burden sufficient to pay for royal government.¹

The province's poverty was not because of a lack of effort. Over a twenty year period, the Trustees had dispatched 2,122 charity settlers, and at least another 3,482 arrived at private expense. Public and private sources of capital had pumped over £260,000 into Georgia in an attempt to develop the settlement's agriculture and industry.

¹ *Board of Trade Journal, January 1749-50 to December 1753*, 211-213; *Acts of the Privy Council, Colonial Series* (London, 1911), 4: 123-28.

Even after these extensive investments of people and money, Georgia in the early 1750s contained only a few towns and scattered villages—home to approximately 1,700 whites and 400 slaves.² Savannah, the main port, loaded five ships in 1750, which was considered a sign of improvement. The town of Ebenezer still held a sizeable contingent of Salzburg exiles, but the formerly important Frederica to the south had declined rapidly after the dissolution of Oglethorpe's regiment in 1749. Other coastal settlements—Abercorn, Vernonburgh, Darien, Ogeechee—existed as names on contemporary maps, but were unimpressive when viewed in person.

Georgia had little backcountry apart from Augusta, one hundred miles up the Savannah River, which consisted of a crumbling fort and a few dozen clapboard shelters. Since inland areas contained few residents, the backcountry-coastal tensions that plagued other parts of British North America were minor and sporadic. Augusta's inhabitants directed their resentment more at the Trustees in London than at officials in Savannah. Most Savannah townsfolk shared similar sentiments and therefore coexisted comfortably with their backcountry counterparts at the time of the Trust surrender. In 1751, residents from the upcountry formally complained that delays in surveying their land grants had cost them votes and possibly seats in Georgia's first Assembly. As the Trustees found out in the 1740s, tampering with the connections between property and political power could provoke serious conflict. If handled poorly, the Augusta complaint might have sparked another divisive war of words in the province. In this case, however, the

² Taylor, "Colonizing Georgia," 121-24; Ralph Gray and Betty Wood, "The Transition from Indentured to Involuntary Servitude in Colonial Georgia," *Explorations in Economic History* 13(1976): 365.

President and Assistants listened carefully to the petition and judged the claims valid. As a result, Augusta was granted its own land surveyor.³

The Georgia colony's poor condition led some observers in England and America to speculate that London authorities might choose to integrate the territory back into South Carolina. This would put the region under the control of a stable government without creating an additional financial and administrative burden on the Crown. The Trust's reaction to this rumor was swift and predictable. Eliminating Georgia would relegate both it and its founders to the same forgotten historical footnote as Robert Montgomery and the Margravate of Azilia. The Trustees actively lobbied the Board of Trade to keep the two provinces separate. Acting on behalf of the Trust, Martyn warned that Charleston merchants were still jealous of Georgia's intrusion into the Indian trade and would "distress" Savannah's inhabitants in revenge for past pretended grievances. The Trustees even hinted that they would sabotage the establishment of royal authority over the region should South Carolina annex Georgia. The Trust had agreed to surrender their perpetual right to grant lands, but now resolved to keep this power unless the Crown met its conditions. If the government refused, the Crown would face the difficulties involved in erecting a colonial government with no power over land.⁴

Opinion in America was just as strong in favor of Georgia's independence from South Carolina. The 1751 Georgia Assembly adopted a resolution opposing annexation. No doubt some of its members—relatively impoverished compared to South Carolina's elite—feared losing their social and political prominence. They stood little chance of

³ Hawes, ed., "Proceedings of the President and Assistants," 334-36.

⁴ *Board of Trade Journal, 1750 to 1753*, 213-14.

breaking into the older province's power structure. Georgians were not the only interested parties in favor of keeping the provinces separate. When Carolina's agent in London wrote to Charleston to see if he should lobby for Georgia's absorption, the response was clear: we don't want it. The South Carolina Assembly drew up a formidable list of reasons to oppose combining South Carolina and Georgia and forwarded it to London.⁵ While some Carolina planters wanted access to lush new rice lands, they did not want to bear the additional tax burden required to administer and defend the area. They preferred to let the Crown spend its money fixing the problems left behind by the Trustees.

Faced with such unanimous sentiment, the Board of Trade proceeded on the assumption that Georgia would remain a separate province. The major task now was to construct a suitable government for the Crown's newest charge. Everyone knew that the Trust surrender would occur sometime in mid-1752, and Crown officials realized that, because the imperial bureaucracy moved so slowly, a new administration might not arrive until 1753 or later. The colony could not operate without an interim government in place. Therefore, the Privy Council issued a proclamation continuing all Georgia officials in office until the Crown was prepared to take control.⁶

The Privy Council's action inaugurated a two year interregnum in which the President and Assistants exercised authority in the colony with little input from the mother country. Under President Patrick Graham, named in 1752 upon Henry Parker's death, the colonial government spent much of its time issuing land grants and appointing lesser officials.

⁵ Letter from James Habersham [to Benjamin Martyn?], 15 August 1751, *CRG*, 26: 271-72.

⁶ *Board of Trade Journal, 1750 to 1753*, 345; Order of the Lords Justices in Council, 28 May 1752, *CRG*, 26: 368-70.

When serious problems arose, the Assistants did what they could to solve them, even if it meant exercising power of dubious legality. Georgia finally had a colonial government that responded to local needs without much interference from abroad, and the development seemed to satisfy the inhabitants. The temporary government abandoned most Trustee regulations and allowed merchants and landowners to pursue the prosperity once denied them. Gone were mandates regarding silk production, rum consumption, property ownership, and the use of slaves. New resident Jonathan Bryan went so far as to hope that Georgia might permanently continue without a settled government. Under the provisional administration, he said, the people were “free of Taxes and quitrent and any charge of Govermt.” As long as the colony had a functioning court to solve contractual disputes, what need was there for an influx of imperial officials that might infringe upon the colonists’ liberties?⁷

Bryan’s hope for a libertarian society was unrealistic. During 1752 and 1753, London officials worked out the details of Georgia’s transfer from Trustee to royal rule. The Board of Trade believed that of all existing types of provincial governments, the most desirable were those “established by the Crown . . . [and] more immediately subject to its direction.” The Board, then, would have the King’s rights and privileges foremost in mind as it drafted a new constitution for Georgia. During the initial stages of this process, the settlement’s inhabitants lacked an advocate who could represent their interests. Colonial agents played an important role in imperial administration, facilitating communication and reconciling conflicts between provincial governments and the mother country. They were the only form of representation colonists had in England, and the

⁷ Jonathan Bryan to George Whitefield, 4 July 1753, quoted in Allan Galloway, *The Formation of A Planter Elite: Jonathan Bryan and the Southern Colonial Frontier* (Athens, Ga., 1989), 67-68.

employment of an agent was therefore widely viewed as an essential privilege. During the Trustee period, the corporation had delegated individual members to lobby the Board of Trade or Privy Council as the need arose. Benjamin Martyn had handled most of the negotiations leading to the surrender of the charter, but he had acted as an agent of the Trust, not of the colony.

Though every other North American colony employed at least one agent in London, during the interregnum no official or institution in Georgia was given the explicit authority to appoint a lobbyist. The Board of Trade must have been surprised in July 1752, then, to receive a representation from one Edmund Gray, acting as “agent for the people and Assembly of Georgia.”⁸ Apparently the 1751 Assembly, despite its limited mandate from the Trustees, took upon itself the power to appoint a colonial agent on behalf of the colony, a privilege enjoyed by other American legislatures. There was one historical Georgia precedent to support the Constitutionality of such action—the 1741 malcontent commissioning of Thomas Stephens to fight against restrictive Trustee regulations. Gray was in London to ensure that royal policies did not pose the same threat to colonial liberties.⁹

In November 1752, the Georgia Assembly’s new agent presented a series of specific proposals for establishing a permanent government. Gray urged quick action, emphasizing to the Board of Trade that “the people were very uneasy for want of a government being settled.” Potential settlers had put on hold their intended move to

⁸ *Board of Trade Journal, 1750 to 1753*, 350; Representation of Edmund Gray, 21 July 1752, *CRG*, 26: 350.

⁹ The Role of colonial agents is discussed in Ella Lonn, *The Colonial Agents of the Southern Colonies* (Chapel Hill, 1945) and Michael Kammen, *A Rope of Sand: the Colonial Agents, British Politics, and the American Revolution* (Ithaca, N.Y., 1968).

Georgia. Current inhabitants curbed their improvements because of the province's uncertain status. In December the Board of Trade raised several objections to the agent's plan, but assured Gray that royal rule would protect "the civil liberty and privileges of the people settled there as is established in any of the colonies under his Majesty's immediate government." During the consideration of the proposals, Gray's conduct must have somehow displeased the Crown. Two days after disapproving his suggestions, the Board of Trade and Privy Council decided to replace him with Martyn, the former Trustee secretary.¹⁰ Crown officials probably decided that Martyn's established relationship with the President and Assistants would help smooth the transition from Trustee to royal government. However, this was a most unusual method of appointing a colonial agent, Georgia's Assembly would criticize it in 1757.

Despite this action against him, Gray continued to call on the Board and presented it with a revised governmental plan in the following Spring. After this submission, Crown officials judged him a threat to royal authority. The Board of Trade questioned him at length "relative to the authority by which he acted as agent for the province."¹¹ Though no official appointment papers for Gray survive to the present day, he almost certainly had the endorsement of at least some Georgia citizens. He appeared before the Board of Trade at the same time as Martyn on one occasion without eliciting any objection.¹² Since Martyn knew more about Georgia affairs than anyone then living in England, he would have been in a position to expose Gray if he was a fraud. It is true that this

¹⁰ *Board of Trade Journal, 1750 to 1753*, 368, 377-78; *Acts of the Privy Council, Colonial Series*, 4: 178.

¹¹ *Board of Trade Journal, 1750 to 1753*, 409.

¹² *Ibid.*, 377.

meeting took place before the former's appointment as provincial agent, but it seems probable that if Martyn doubted Gray's legitimacy, he—not the Board of Trade—would have raised the issue.

The Board of Trade's response to Gray's March 1753 memorial effectively ended his activities as Georgia's agent. Gray's proposal had suggested some possible candidates for governor and singled out other potential appointees (probably the President and Assistants) as unacceptable. The Lords Commissioners of Trade condemned the representation as "most extraordinary" and "highly disrespectful to this Board and to government in general." The crown viewed the memorial—correctly as events soon showed—as evidence that a "refractory spirit prevailed amongst the people" in Georgia. After reiterating that only the Crown had the right to decide the colony's future officials, Gray was ordered to withdraw.¹³ This was Gray's last recorded activity in London. Likely realizing that his continued presence in England would achieve little, he returned to his home near Augusta sometime in late 1753 or early 1754. After this withdrawal, Martyn acted as Georgia's sole agent until 1762.

During the negotiations and deliberations in London, Georgia was changing rapidly. The interregnum years witnessed an unprecedented flow of immigrants into the colony. In 1751, the province had contained approximately 2,100 whites and 400 slaves, and the population had remained stagnant for several years running. In 1752 alone, the President and Assistants received 103 petitions from South Carolinians seeking to settle their families in Georgia. By 1753, population totals had jumped to 3,447 whites and 1,066 blacks. During the following year, the number of both free and unfree inhabitants

¹³ Ibid., 411.

doubled, making Georgia home to 9,000 individuals by the time royal officials arrived in late 1754. Though the movement was small enough in scale that source colonies took little notice of their population loss, the immigration boom had an enormous impact on Georgia. Longtime residents must have felt uncomfortable or even overwhelmed by the sheer mass of new arrivals.¹⁴

Numerous planters arrived from Virginia and the West Indies, but the majority came from South Carolina. In the 1750s, new immigrants settled largely in three areas. Backcountry Carolina planters began sneaking slaves across the Savannah River to Augusta as early as the 1730s, and that movement continued in the 1750s. Carolina Indian traders, no longer bothered by Trustee trade rules, moved into the Creek country around Augusta. Arrivals from the West Indies and the Carolina coast tended to settle in and about Savannah. Finally, the mass migration of a religious community from Dorchester, South Carolina populated the Midway district, located “midway” along the coast between the legal northern and southern boundaries of the province. When completed, the Dorchester immigration brought roughly 350 whites and 1,500 slaves into Georgia. This shift of people led to the creation of the town of Sunbury, which became the colony’s second most important port.¹⁵

Georgia’s population explosion came about as a direct result of reduced property regulations. Gone were tail male, slavery restrictions, and the Trustees’ arbitrary limits on the size of landholdings. All lands would be held in fee simple, with the full range of

¹⁴ Gray and Wood, “Indentured to Involuntary Servitude,” 365.

¹⁵ David Chesnutt, *South Carolina’s Expansion into Colonial Georgia, 1720-1765* (New York, 1989), 83-124. On the town of Sunbury’s growth and demise, see Charles C. Jones, Jr., *The Dead Towns of Georgia* (Savannah, 1878).

opportunities and economic options such land tenure offered. Georgia's greatest resource was its nearly untouched expanse of prime rice lands. Though the President and Assistants usually limited grants to 500 acres during their interim reign, there was a popular expectation that the forthcoming royal administration would implement less restrictive land policies. This assumption proved correct, and settlers in the royal period were at liberty to amass large property (land and slave) holdings through grant, purchase, or inheritance. When allowed to choose their own future, Georgians built a plantation economy reminiscent of their colonial neighbors.¹⁶

The system of government drawn up by the Crown would have appeared familiar to individuals arriving from other British royal colonies.¹⁷ It included a governor, Council, and Assembly. The governor played the central role, acting as an agent of both the King and the colony. His limited lawmaking authority allowed him to initiate legislation, but he could not amend any bill under consideration even if originally proposed by him. His executive powers were far more extensive, furnishing him with tremendous potential over the rest of the colonial government. The governor commanded the provincial militia, and had the power to declare martial law in times of emergency. The governor's control over

¹⁶ Pointing out the close resemblance between the Georgia and South Carolina plantation system are Douglas C. Wilms, "The Development of Rice Culture in 18th Century Georgia," *Southeastern Geographer* 12(1972): 45-57; Thomas R. Statom, Jr. "Negro Slavery in Eighteenth Century Georgia," (Ph.D. Diss., University of Alabama, 1982); Betty Wood, *Slavery in Colonial Georgia*; Julia Floyd Smith, *Slavery and Rice Culture in Low Country Georgia, 1750-1860* (Knoxville, 1985); and Jeffrey Robert Young, *Domesticating Slavery: the Master Class in Georgia and South Carolina, 1670-1837* (Chapel Hill, 1999). The similarities between Georgia and South Carolina make more useful the comparisons between Carolina and the Chesapeake in Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill, 1998).

¹⁷ The summary of Georgia's royal government that follows comes largely from Albert B. Saye, ed., "Commission and Instructions of Governor John Reynolds, August 6, 1754," *Georgia Historical Quarterly* 30(1946): 125-62. A tremendous work that allows comparison between different royal commissions is Leonard Woods Labaree, ed., *Royal Instructions to British Colonial Governors, 1670-1776* (New York, 1935).

lesser civil offices often proved critical to the success or failure of his administration. He had the right to appoint people to a multitude of major and minor jobs in Georgia, and these officials served solely at his pleasure. Though several positions were filled by the Board of Trade, the Customs service, or Treasury office, even these were not beyond his influence.¹⁸ The governor had the authority to suspend such officials for misbehavior or insubordination and name temporary replacements. A clever and judicious chief executive could use these powers to manipulate the makeup of the government so that it contained citizens loyal to the Crown and to him personally.

A number of officials aided the governor in the performance of his duties, but the most important was the twelve member Royal Council. Though these gentlemen were appointed by the King, the Crown usually accepted the governor's recommendations when filling vacancies. Since the governor and Council were direct representatives of the Crown, they shared a common set of loyalties and interests. Members of the Council were expected to offer the governor their advice on proper policies. While governors could (and occasionally did) ignore the Council's views, they risked alienating an important source of support for royal authority. When assembled without the chief executive present, the Council acted as the Upper House of the legislature, charged with the task of proposing, amending, and voting on provincial laws.¹⁹

¹⁸ Bernard Bailyn, *The Origins of American Politics* (New York, 1968) pointed out how a diminishment of the governor's patronage power negatively affected his ability to defend royal prerogatives. Governor James Wright of Georgia complained often about this policy of naming officials in London rather than giving the colonial executive the discretion to appoint them.

¹⁹ While much historical attention has been focused on the Lower Houses of Assembly, the Upper House found its historian in Jackson Turner Main, *The Upper House in Revolutionary America, 1763-1788* (Madison, Wis., 1967).

The governor's commission instructed him to seek the "advice and consent" of his Council when exercising many executive powers. This stipulation served two purposes. First, it allowed the Council to block illegal and arbitrary measures undertaken by an incompetent or corrupt chief executive. Second, forcing the governor and Council to work closely together tended to strengthen the bonds between the two natural allies. Filling lesser offices, creating courts, summoning the Assembly, declaring martial law, and releasing money from the colonial treasury are just a few of the actions that required royal representatives to reach a consensus.

The most important economic activity of the Governor-in-Council was the distribution of land, and this task consumed the vast majority of the Council's time. The first Tuesday of each month was designated as "Land Day," when petitioners appeared and submitted requests for grants. Royal instructions recommended a grant of 100 acres for the head of household, plus 50 acres for each family member, servant, or slave in the household. If an applicant demonstrated the ability to cultivate more land than the recommended amount, he might be allowed to purchase up to 1,000 more acres for a nominal fee. Cultivating more land led to more profits, which allowed the purchase of more slaves, which in turn entitled them to petition for additional land. This cycle of acquisition helped to fuel the development of large scale plantations in the 1750s and 1760s. The sharp contrast in the amount of land granted between the Trustee and Royal periods clearly demonstrates that Georgia inhabitants indulged their appetite for property. In twenty-two years of Trustee and interim administration, slightly under 300,000 acres

of land was bestowed upon settlers. From 1755 to 1771, the royal government assigned 1.25 million acres.²⁰

Inhabitants felt that the colony's new courts would protect rather than infringe upon their liberties, as the malcontents had accused the Trustee courts of doing. For the first time in its existence, Georgia had a clearly defined legal system. The main judicial body was the General Court. At first manned by three unpaid justices, a salaried Chief Justice was added in 1759. The General Court conducted significant civil and criminal trials, with each verdict delivered by a jury of freeholders.²¹ An Attorney General acted as chief prosecutor, replacing local constables in that role. Petty cases were tried by justices of the peace and juries in courts of conscience. These lesser courts handled the majority of legal matters in colonial Georgia, making local justices of the peace in each community the most important legal official in the daily lives of the settlers.

While these courts bore a superficial resemblance to those erected by the Trustees, the royal legal system contained two important departures from the past. The first was a clearly outlined appeals process, which the Trustee period lacked apart from a brief interlude in which the President and Assistants had appellate jurisdiction over the Savannah town court. The governor and Council could hear appeals in all cases involving significant penalties: £300 in civil trials, and £200 in criminal matters. Major judgments over £500 could be appealed directly to the Privy Council in England. A legitimate Vice-Admiralty court, with the governor sitting as the judge, replaced the

²⁰ Robert G. Lipscomb, "Land Granting in Colonial Georgia," (M.A. Thesis, University of Georgia, 1970), 62, 67, 84-86.

²¹ Technically, both the General Court (for civil cases) and the Court of Oyer and Terminer (for criminal cases) were created. However, it is easier to think of them as a single body since the two courts were held simultaneously with the exact same judges.

unauthorized court that presided over maritime disputes in the 1740s. Though Georgia still had no written Constitution, inhabitants had faith that this legal system—which kept the lion’s share of judicial power within the colony—would function to their satisfaction. Most colonists believed that they need not fear constant meddling or interference from distant politicians.

The most significant change under royal government was the inclusion of the populace in the governing process. The Crown created an elected Lower House of Assembly which was empowered to pass any legislation necessary to assist the colony’s development and administration, and which possessed the sole right to initiate money bills. Inhabitants finally received a large part of the local authority they had fought for in the 1740s. The Georgia Commons relished its role in drafting legislation, passing more than three times as many formal statutes in its first two months than the Trustees enacted in twenty years.

Election requirements for the Assembly made explicit the intimate ties between power and property. To qualify for the franchise, men over 21 years of age had to possess 50 or more acres of land. As each head of household was entitled to 100 acres for himself alone, most white males who were not indentured servants had the right to vote. Property requirements for a seat in the Assembly were higher, though still low. Candidates had to own only 500 acres of land, a threshold that many planters could reach. In theory, at least, membership in the Lower House was open to a substantial number of colonists. In practice, only the most successful planters and merchants served in the Assembly. Representatives received no compensation for their service, and only a small percentage

of wealthy gentlemen could afford to leave their farms behind and live in Savannah during legislative sessions.

Whereas the governor and councilors by virtue of their royal appointments were agents of the King, assemblymen represented the constituents who chose them. Members of the Lower House of Georgia considered themselves to be the natural defenders of colonial liberty. Georgia's Commons consciously modeled itself after representative assemblies in other parts of British North America who exercised extensive powers over provincial affairs. Georgians, too, viewed local authority as the best guarantee of liberty. This does not mean that colonists wanted to break away from England. Prior to 1775, the desired arrangement was limited self-government, not independence. Inhabitants proudly proclaimed their loyalty to England and her King. In the late 1750s and early 1760s, the Assembly happily cooperated with crown officers so long as colonists were a vital part of the governing process. However, when royal officials or Parliament asserted what colonists viewed as excessive authority, Georgians—usually acting through the Lower House—did not hesitate to defend their liberty by agitating for greater local control and self-determination. Over the late seventeenth and early eighteenth centuries, popular Assemblies throughout America had enlarged their sphere of activity by evading imperial regulations or usurping specific powers reserved for royal appointees. The Georgia Assembly would seek the same privileges and powers enjoyed by the legislatures in other British colonies.

Beginning in the mid-1740s, commissions to royal governors in America typically contained several provisions designed to limit the influence of popular Assemblies, and the Georgia governor's commission proved no exception. After passing the Lower

House, any proposed legislation had to navigate successfully through three additional hazards before becoming law. First, the Council had the opportunity to amend or reject the bill. Second, the governor possessed a veto over both Houses, and any proposal would fail unless he gave his assent. Finally, any “Ordinary” law agreed to by the Governor and Council could take effect immediately, but was still subject to approval or disapproval by the Privy Council in England. An “Unusual” bill had to contain a suspending clause that delayed any enforcement of the statute until the Privy Council ruled on its constitutionality. In effect, the Crown held a triple veto over the Assembly’s legislative proposals.²²

Royal appointees could even exert a degree of direct control over the Commons’ proceedings. Only the governor and Council could call a Lower House into session, and they decided when, where, and for how long it would meet. If a particular Assembly proved incompetent or impertinent, a governor could take advantage of any sudden shift in popular sentiment by issuing a call for new elections in the hope of producing a more pliable body. Once the representatives convened, they had the right to select a Speaker from their ranks. The governor, though, had the authority to veto the House’s selection and push assemblymen into naming a more acceptable candidate. A cooperative Speaker could intentionally steer debate away from controversial questions. If an Assembly insisted on exceeding the boundaries of its authority, the governor had the option of adjourning the session. This gave him time to use his patronage and personal influence to win representatives over to the King’s interest. If all else failed, the governor could, as a

²² “Reynolds Commission,” 137-38.

last resort, completely dissolve the Lower House and temporarily govern without an elected Assembly.

Lower Houses throughout America had expanded their privileges and powers, and leaders in England expected the empire's newest Assembly to make the same attempt. Georgia's governor was warned to guard against several specific practices used in American colonies to evade royal oversight. For example, other provinces had passed laws that expired in just a few months or years. These would take effect immediately pending a decision from England. By the time the Privy Council received the bills, formulated replies, and transmitted their pleasure to America, the statutes would have expired. This clever legislative chicanery effectively prevented the Crown from using its veto power. The governor of Georgia was therefore instructed never to give his assent to any law less than two years in duration and to oppose the Assembly's encroachment upon any power vested wholly in him and in the Council. The executive's main tasks, then, were to protect the royal prerogative and the property of the inhabitants—not necessarily in that order.

Until the late 1760s, the governor and Council managed to hold the Georgia Commons largely in check. Certainly Henry Ellis (1757-60), James Wright (1760-1782), and their respective royal Councils opposed the Georgia Assembly's rise to power more effectively than royal appointees in several other American colonies. In this constitutional struggle between imperial and local authority, crown officials in Georgia enjoyed a decided, yet unwanted, advantage over their counterparts. Since the province never managed to raise sufficient revenue to support itself (as the Crown frequently asked), many official salaries and administrative costs were paid through Parliamentary

appropriations. This fiscal arrangement deprived the Lower House of a major source of leverage—the power of the purse. Other colonial Assemblies raised and paid salaries. When faced with an intractable governor, representatives could threaten to withhold the funds necessary for the government to continue operating.

The individual entrusted with overseeing Georgia's transition to royal rule was John Reynolds. For several years, Reynolds had commanded a squadron of ships posted off the Carolina and Georgia coasts. He therefore presumably had some first-hand knowledge of the province and its people. Reynolds possessed a sharp mind and a good understanding of tactical maneuvering. What he lacked were patience, diplomacy, and political common sense. For example, after just one month in his new position, Reynolds wrote to the Board of Trade asking for a raise in pay.²³

Reynolds failed to see that building consensus was more productive in a new colonial government than issuing commands. After many years of experience with military discipline, Reynolds had grown accustomed to seeing his orders carried out immediately. In Georgia he flashed his temper when people questioned his decisions or when public opinion forced him to alter his plans. He also demonstrated a lack of patience when coping with inevitable delays. For example, Reynolds in late 1755 led an important diplomatic mission to secure Creek Indian loyalty to England in the expected war against France. Several days passed with no sign of the native chiefs. Frustrated and angry, Reynolds stormed back to Savannah, leaving a subordinate to host the ceremonies and

²³ Memorial of John Reynolds to the Board of Trade, 5 December 1754, *CRG*, 27: 35. The general historical consensus stresses Reynolds' incompetence as a politician and civilian leader, and the consensus is correct in this case. Every excoriated major figure seems to have at least one defender and Reynolds is no exception. Vaughn Davis Bornet, "The Struggle for Government Power in Georgia, 1754-1757," (M.A. Thesis, Emory University, 1940) is an interesting but ultimately unsuccessful attempt to rehabilitate Reynolds.

distribute gifts. The Creek leaders felt mildly disappointed when greeted by an inferior official rather than Georgia's commander-in-chief.²⁴ Reynolds did prove remarkably adept at one thing. In just under two years, he somehow managed to alienate the Lower House, the Upper House, local Native American tribes, colonial landowners, and, ultimately, the Board of Trade.

The early makeup of royal government reflected wider elements of continuity and change in Georgia. Former Georgia President Patrick Graham became the senior member of the Governor's Council, and his five Assistants were likewise offered positions on the Board. Three of these men—James Habersham, Noble Jones, Francis Harris—had been remarkably loyal and submissive Trustee servants and now, given the opportunity, looked forward to taking a more active role in shaping the colony's future. Jones had arrived with the first embarkation in 1733 and, despite the restrictive Trustee property regulations, had managed to amass a substantial estate. Harris, a prosperous merchant, had gained much of his fortune from conducting the Trust's business affairs. In 1751, he had been chosen as Speaker of Georgia's advisory Assembly. The most influential former Trust appointee in the royal period was Habersham. With Harris, he operated Savannah's largest mercantile firm. Habersham began his colonial life in 1738 when he arrived with the Reverend George Whitefield. Late in his life, he became a trusted confidante of Governor James Wright. Wright trusted Habersham to such an extent that the governor could depart for England for two years in the early 1770s, fully confident that Georgia was in good hands with Habersham as acting chief executive.

²⁴ Coleman, *Colonial Georgia*, 181.

The former malcontents, too, found powerful positions in the new order. Baronet Sir Patrick Houston had arrived in the colony's first year. While he did not sign the major malcontent petitions of the Trustee period, he was sympathetic to the criticisms leveled against the Trust's policies. In 1735, he joined Peter Gordon's protests against the Savannah court, tail male land tenure, the rum law, and the slavery ban. Houston then openly violated the Trustee's rum prohibition by selling distilled spirits in Savannah. In 1754, he became a royal councilor. Malcontent leader David Douglass did sign all of the major remonstrances in favor of fee-simple land and slave ownership. After fleeing to exile in Charleston in 1740, he co-authored *A True and Historical Narrative*, the savage 1741 attack against Oglethorpe and the Trust. After the Trustees surrendered their charter, Douglass had migrated back into the province to settle at Augusta. In 1755, he not only won election to the Georgia Commons House of Assembly, but his fellow representatives named him Speaker.²⁵

The colony's recent immigrants, too, acquired offices in the royal government. New Councilor Clement Martin arrived from the West Indies during the interregnum and shortly before his appointment. John Powell, James Read, and Jonathan Bryan had moved from South Carolina to Savannah in the early 1750s. Powell and Read were nominated to the royal Council by Governor Reynolds in 1755 and 1756, respectively. Bryan's association with Georgia dated back much further. He had traveled with Oglethorpe on occasion during the 1730s and 1740s, but maintained his residence in South Carolina until the lifting of Trustee property restrictions. In 1750, he petitioned for his first Georgia grant and began moving his family and slaves south. Under Reynolds,

²⁵ *CRG*, 13: 100.

Bryan was named a General Court judge and Colonial Treasurer. In addition, he served as a councilor from 1754 until 1769, when he was ousted for his opposition to the British Parliament's colonial policy. The removal did not affect his financial well-being. By the 1770s, Bryan was one of the largest single landowners in the province.²⁶

Governor Reynolds first set foot in Savannah on 29 October 1754 and presented his commission to the President and Assistants. After reading it, Graham and his deputies recorded the final minutes of Trustee rule and then disbanded. Shortly thereafter, they took oaths of allegiance to the King and their seats on the royal Council. Reynolds and these men would eventually quarrel and seek to destroy each other's authority, but initially the royal governor's arrival sparked expressions of gratitude and joy. The colony's new leader was met by the sound of clanging bells and guns firing into the air. On his first night in Savannah, numerous bonfires in the city streets painted the town a vibrant and pulsating orange. Jonathan Bryan, who would soon become a bitter opponent of the governor, was impressed with the man at first sight. Bryan felt that the chief executive "had certainly the greatest prospect of being a happy governor and of making this a happy Colony." The following month, a prominent settler wrote to Georgia agent Benjamin Martyn in England expressing thanks that King George II had appointed "so Good a Governour" to watch over his subjects.²⁷

Reynolds wasted little time in erecting a government that drew Georgians into the political process. After appointing his Council, he sought information about the state of

²⁶ Ibid., 6: 333, 401, 443; Wood, *Slavery in Colonial Georgia*, 92-93; Chesnutt, *South Carolina's Expansion*, 151-54, 157-59; Galloway, *Formation of a Planter Elite*, 62-64, 69-71.

²⁷ *South Carolina Gazette*, 31 October and 7 November 1754; Jonathan Bryan to the Earl of Halifax, 6 April 1756, CRG, 27: 114; Joseph Ottolenghe to Benjamin Martyn, 25 November 1754, *ibid.*, 27: 42.

the colony from them, relying on their knowledge of local conditions to give him an accurate picture. Following a delay of just over one week, the governor and Council issued election writs for a General Assembly which would meet in Savannah on 7 January 1755. Reynolds also set in motion the process for creating the province's judicial system and selecting judges.²⁸ By way of contrast, Oglethorpe in 1733 had delayed the establishment of any local authority for months after his first arrival in 1733. The Trustees had successfully avoided forming an Assembly for two decades!

Contentment with the new government was not universal, however, and several candidates in the 1754 election campaign attacked the current political order. Discontented citizens coalesced behind Edmund Gray, a Quaker who had migrated from Virginia along with six other families in 1750.²⁹ He quickly moved into the political spotlight by becoming Georgia's colonial agent sometime in 1751. Arriving in England in 1752, he had unsuccessfully tried to influence the Board of Trade's selection of royal officials for Georgia. The opposition of the Gray faction in 1754-55 stemmed neither from greed (as contemporary critics charged) nor from backcountry-coastal conflicts, as scholars have suggested, but from lingering frustrations over Trustee policies. Gray's movement was not limited to inland areas. His chief lieutenant, Charles Watson, won election from Savannah. Nor did all backcountry voters support Gray. David Douglass, also elected from Augusta, led the charge against the Grayites from the Speaker's chair.

The dissidents specifically objected to the inclusion of the former President and Assistants in the governor's Council. Several prominent Grayites had clashed with these

²⁸ John Reynolds to the Board of Trade, 5 December 1754, *ibid.*, 27: 32; *ibid.*, 7: 26-32.

²⁹ Hawes, "Proceedings of the President and Assistants," 333-36.

Trust representatives in the 1740s and 1750s. Watson had been removed as an Assistant in 1745 for supporting the land claims of Thomas and Mary Bosomworth. Samuel Mercer—the former Assistant who caused a controversy in the 1751 Assembly—resurfaced as a candidate along with three of his former supporters: John Barnard, John Farmur, and John Harn.³⁰ Mark Carr, the former Vice-Admiralty court judge who had allied himself with Colonel Alexander Heron against Savannah officers in the late 1740s, also supported Gray. Joseph Ottolenge, a former Trust appointee also criticized in the election campaign, dismissed these dissidents in terms drawn directly from the Trustee political strategy guide. He condemned them as “malecontent companions” who gathered in “Cabals” to pursue “dishonest Schemes.”³¹

Gray’s main contention in 1754 was that Georgia’s former rulers were guilty of numerous past injustices. They could not now be trusted to preserve the people’s rights under royal government. The President and Assistants were at least partial authors of the province’s miseries over the previous two decades, and they had aided and abetted the Trustees’ assault on British liberties. According to Gray, the gentlemen of the Council were nothing but an unpleasant remnant from a tyrannical and discredited era. The Grayite campaign appealed to the peoples’ “Jealousy of their Liberties,” and the faction

³⁰ Barnard, Harn, and Farmur signed a 1750 petition asking for Mercer’s reinstatement as an Assistant. See the Letter from Some of the Inhabitants of Savannah to the Honorable The Trustees for Establishing the Colony of Georgia in America, 12 December 1750, *CRG*, 26: 84-86.

³¹ Joseph Ottolenghe to Benjamin Martyn, 25 November 1754, *ibid.*, 27: 41. Ottolenghe drew a salary from the Trustees for his oversight and encouragement of Georgia silk production.

intended to use the Assembly's power to counteract or possibly even nullify the authority of the Upper House.³²

In January 1755, the nineteen members of the Georgia House of Commons convened in Savannah. Through his natural persuasiveness, Gray had secured the elections of seven of his supporters. This was an impressive total for such a disorganized opposition faction, but left him in the minority. Early in the session, the House majority moved to render the Grayites politically impotent by declaring eleven members sufficient for a quorum. Gray, too, proved he could count votes. He needed to switch only two seats to swing the Assembly to his favor. To accomplish this, on 9 January 1755, Gray requested an investigation into races involving defeated Grayite candidates Marcer and William Francis. Citing unspecified "undue" practices in their contests, Gray asked that the election results be overturned and the two men seated in place of their opponents.

The Assembly referred this petition to a "Committee of Privileges and Elections" consisting of four majority members and one Gray supporter. Given this unbalanced makeup, the disputed elections were unsurprisingly ruled valid and proper. The committee on its own initiative then began investigating other contests. After a cursory examination the House expelled Carr and another Gray follower for very minor discrepancies in the returns from their districts. These actions brought about two significant results. In the short term, the majority strengthened its control over the Lower

³² John Reynolds to the Board of Trade, 28 February 1755, *ibid.*, 27: 56. The Board of Trade berated Gray for suggesting specific individuals as unfit for office in the royal government. It is likely that Gray named the President and Assistants.

House. In the long term, the representatives affirmed their right to adjudicate all future disputed elections.³³

Gray and his supporters realized that they had no hope of obtaining a majority. They therefore resolved to withdraw from the House in an attempt to keep it from functioning. The goal was to either “break or dissolve the Assembly” and force a new election. However, even if all of the remaining Grayites stopped attending, it left a quorum of eleven members. They needed a defection from the other side. Through a combination of threats and enticements, Gray somehow convinced one member of the majority to join in the boycott. This sudden reversal of fortunes stunned the ten members who gathered on 15 January, but they recovered their equilibrium quickly. In blatant violation of the rule established just days before, the House resolved that ten, not eleven, members constituted a quorum to conduct business. The rump Assembly then promptly declared two additional Grayite elections “undue” and voided the results, further reducing the opposition to four members.³⁴

Apart from surrender, the dissidents had only one peaceful recourse left open to them. On 15 January 1755, the four sitting and four expelled Grayite assemblymen appealed to public opinion. In an open letter to fellow Georgia citizens, the writers called upon all who “regard the Liberties of your Countrey” to converge on Savannah immediately in a mass demonstration of their unhappiness with the Lower House’s actions. The signers asked for popular support in opposing arbitrary authority, and for assistance in procuring “those Blessings that can alone render this Colony flourishing and happy.” Because of

³³ Ibid., 13: 7-22.

³⁴ Ibid., 13: 23-26.

the message's vagueness—or perhaps despite it—both the Assembly and Council denounced the letter as “seditious.”³⁵ Reynolds showed his extreme displeasure with developments by issuing a harsh proclamation forbidding all “tumultuous Assemblies and nightly Meetings,” and commanding citizens to “reduce by Force any Body of Rebels (that may assemble).”³⁶ This proclamation convinced Gray that he could no longer bear living in the province. In his opinion, the royal government had violated British liberties by denying Georgians their right to elect representatives and their right to peaceably assemble and petition for a redress of grievances. In 1755, Gray and several of his adherents left Georgia to establish a settlement south of the Altamaha River in territory claimed by both England and Spain.³⁷ The Lower House then expelled the remaining Grayites for non-attendance. Reynolds and his Council emerged from the controversy triumphant, with a friendly Assembly at their disposal.

In the wake of the Gray fight, it briefly appeared as though the royal government might function in exactly the way most colonists wished: with a due regard for local opinion, and with the preservation of liberty and opportunity foremost in mind. To discourage land speculation, article 67 of Reynolds' commission required that all grantees cultivate five out of every one hundred acres each year or the grant would be voided. As they had during the proprietary period, inhabitants again faced unreasonable land regulations from distant authorities. Colonists undertook the same response as had the malcontents: a petition for a redress of grievances—this time addressed to the King

³⁵ Ibid., 16: 17-18; *ibid.*, 13: 34.

³⁶ Ibid., 7: 94-97.

³⁷ Ibid., 13: 38-39, 77; on the Gray settlement, see Marguerite Bartlett Hamer, “Edmund Gray and His Settlement at New Hanover,” *Georgia Historical Quarterly* 13(1929): 1-12.

instead of Parliament. The rule, said Georgians, was impracticable and “destructive to the present Planters.” The vast majority of colonists did not possess the necessary labor to both clear new land and plant the old every year, and they would therefore live in constant uncertainty about the status of their property. Even if a planter could comply, he could only do so for twenty years, at which time he would run out of land to clear for the following year. Both the Upper and Lower Houses instead suggested that land grants contain only the restriction that the grantee live on the land for at least three years. This would dissuade land speculators, but not inconvenience actual settlers.³⁸

During the 1730s and 1740s the Trustees would have met such a complaint with a scornful dismissal. The royal government did not. Reynolds wrote a strongly worded letter to the Board of Trade in support of the colonial position. Even assuming that a farmer’s entire tract was fertile, said the governor, “the Grantee in 20 years time must either forfeit all his Land, or have neither Firewood, nor Wood for making and repairing his fences.”³⁹ Crown institutions in London reacted positively as well. The Board of Trade and Privy Council approved a change in land tenure along the lines proposed by the Georgia legislature.⁴⁰

In this brief episode, royal government fulfilled local expectations. The mother country had deferred to colonial opinion, proving itself receptive to popular involvement in the governing process. If all problems were solved with similar communication and understanding, Georgia would have experienced a much smoother transfer to royal rule.

³⁸ *CRG*, 13: 31-33.

³⁹ John Reynolds to the Board of Trade, 25 January 1755, *ibid.*, 27: 55.

⁴⁰ Copy of an order of the Lords of the Committee of Council for the Plantation Affairs, 23 July 1755, *ibid.*, 27: 64.

Unfortunately, Governor Reynolds proved incapable of effective leadership. Within a year of taking office, both the Council and the Commons would charge Reynolds with using his powers to deny them the “clemency and liberty indulged to the neighbouring Colonys.”⁴¹ So contradictory in his behavior was Reynolds that his replacement in 1757 could also accurately accuse the former chief executive of acceding to too many colonial demands by abandoning royal prerogatives to the Assembly.

The first indications of strife between the governor and Council appeared in the summer of 1755. Whereas Reynolds expected the Council to function mainly as an advisory body, the councilors expected to be at least equal in status to the governor. Some of these men had governed the colony during the 1752-54 interregnum, and they now displayed an unwillingness to accept a passive or subservient role in the new administration. Reynolds complained bitterly to his London superiors that the Council held “an opinion that I have no Power to determine in anything, without their concurrence.” Among the various innovative privileges claimed by the Board was the right to approve any correspondence from the governor to the Crown—the better to squash reports of malfeasance in office, speculated Reynolds. The men who should act as his natural allies and as obedient servants of the King instead “appeared extremely Greedy of Power, and would fain have all things Determined by Vote.”⁴²

One source of discontent was William Little’s influence in the government. Little had been a shipmate of Reynolds for years and had accompanied the governor to Georgia as his private secretary. Once in the province, Reynolds relied more on Little for advice and

⁴¹ Ibid., 7: 253.

⁴² John Reynolds to the Board of Trade, 22 September 1755, *ibid.*, 27: 74; John Reynolds to the Board of Trade, 8 January 1756, *ibid.*, 27: 113.

support than he did his Council. In the first few months of royal administration, the governor bestowed seven offices upon his secretary. The two most important of these were clerk of the General Court and clerk of the Assembly, which allowed Little to closely monitor and report on the proceedings of both institutions. Established colonial elites resented an outsider usurping their authority and taking over “the whole Administration of Affairs.”⁴³

By mid-summer 1755, Reynolds concluded that he had made an error in helping to smash the anti-Council faction in the first Assembly. The Grayites, he now believed, had not opposed government in general, but the former Assistants specifically—the very men who now troubled him. Reynolds then quietly began to court the remnants of Gray’s followers and to build a new base of support. In June 1755, he nominated Marcer to a vacancy on the royal Council, but abandoned the attempt when faced with the unanimous opposition of the other councilors. Reynolds thereafter conducted negotiations more quietly, employing Little as a go-between to consummate a union between the governor and former Grayites.⁴⁴

In September 1755, the Council presented Reynolds with a memorial against Little, asking the governor to remove him from his positions. The councilors charged Little with improper conduct in both his professional capacities and his private activities. He had rejected the “Friends of Government” and instead encouraged its enemies by defaming and slandering the Council in public. Professionally, the document said that

⁴³ Memorial of Alexander Kellet, 7 July 1756, *ibid.*, 27: 117. By mid-1755, Little was Clerk of the Assembly, Clerk of the Crown and Peace, Clerk of the General Court, Justice of the Peace, Secretary for Indian Affairs, Secretary to the Governor, and Aid-de-Camp to the Governor. Later Reynolds removed him from his clerkship on the General Court and made him a judge.

⁴⁴ *Ibid.*, 7: 252.

the Secretary had, at best, been “extremely deficient and remiss in his proper Busines and Duty.” In other sections of the representation, Little was accused of the worst: extortion, forgery, and the falsification of Court and Assembly minutes. During the first Assembly, charged the Council, he had passed along false instructions to the Lower House pretending they were from Reynolds. The most serious charge was that Little, acting as Clerk of the Commons, had “in a most unprecedented & dangerous manner” withheld from the governor two Bills legally passed by the Lower and Upper Houses. When a mere clerk had the authority to block legislation he disliked, concluded the Council, it posed a threat to the very basis of representative government.⁴⁵

Reynolds backed his loyal secretary in the dispute, ordering a defiant personal reply from Little entered into the Council minutes. Little denied all of the accusations save one—he admitted to withholding a bill preventing the illegal settling of lands from the governor because of “its Insignificancy and Non-Importance.” The councilors objected to both the tone of Little’s response and the procedure used to introduce it. Little’s letter, they said, was nothing but “a contemptuous Asperity against his Majestys Council” full of “Indecent Invectives against Particular Councilors, & notorious Misrepresentations of Men.” Furthermore, they declared that it was improper to accept an unsworn personal letter as a refutation of a formal petition of facts.⁴⁶

The anti-Little petition completed the break between Reynolds and the original councilors. He informed them that he was their governor, not a mere president of the Council. They should never presume again to tell him what he could or could not do.

⁴⁵ Ibid., 7: 251-54.

⁴⁶ Ibid., 7: 262-64.

Irrevocably opposed to most of the gentlemen on the board, Reynolds decided to alter its composition by removing his worst enemies and replacing them with people loyal to him. During the debates over Little, Reynolds named two new councilors and suspended Clement Martin. Martin was guilty of carrying the Council's anti-Little representation to the governor. Reynolds refused to give the other members his reasons, instead leaving it to authorities in England to either support or reverse his action. The Council asked him to reconsider the removal of so "unexceptionable" a man as Martin, but to no avail.⁴⁷ Reynolds had turned a deaf ear to his advisors. They in return sought to undermine his administration. From late 1755 to early 1757, exchanges between the governor and his Council were curt to the point of rudeness.⁴⁸

Reynolds soon experienced problems with the Assembly as well. His commission placed stronger restrictions on the Georgia Lower House than those placed on neighboring colonial legislatures, and representatives resented the perceived injustice of denying them powers enjoyed elsewhere. In particular, the first popular Assembly asked for a number of powers it felt it should possess. The first was the right to establish electoral qualifications by provincial statute instead of royal proclamation. The Crown based its regulations solely on the size of land holdings. Inhabitants instead preferred to measure the land's value. Many Savannah residents owned 5 acre town lots worth far more than a 500 acre farm in the countryside. These people paid taxes, yet were refused the franchise. "Freeholders of Town lotts liable to pay Tax toward the support of

⁴⁷ Ibid., 7: 264; John Reynolds to the Board of Trade, 22 September 1755, *ibid.*, 27: 73-74.

⁴⁸ For example, Reynolds in mid-1756 asked the Council's advice about the previous year's silk industry expenses. The Board replied that "as those Expences had been contracted and paid without their knowledge or Advice contrary to former Custom," Reynolds could live without their opinion.

Government having no vote for representatives may be detrimental to the Welfare of this your Majestys Province,” concluded a 1755 petition to King George II.⁴⁹

The Commons also believed that royal instructions restricted its fiscal powers too much. The governor and Council possessed the authority to establish all fees for public offices. These were an important supplemental source of income for royal appointees, sometimes offering more compensation than the officer’s actual salary. The Assemblies of Georgia’s three nearest neighbors—South Carolina, North Carolina, and Virginia—all set fees by statute. The Georgia Commons could not. Obtaining the authority to determine these fees would give the House a significant degree of control over the behavior of crown officials. In an additional 1755 petition to the Crown, representatives argued that granting sole authority over fees to the governor and Council put “it entirely out of our Power to procure [Our Constituents] any redress.”⁵⁰

The Crown’s reaction to these petitions was mixed. The Board of Trade recommended rejection of both Georgia petitions. The Privy Council agreed that royal officials should continue to establish electoral qualifications, but also ruled that Georgia could pass a law setting fees for public offices. The Assembly thereby gained authority to regulate these fees, but the Privy Council’s decision had little practical effect before 1763. The only fee bill passed before that date was disallowed, and the governor and Council continued to exercise authority over fees.⁵¹

⁴⁹ Ibid., 13: 73-74.

⁵⁰ Ibid., 13: 72-73.

⁵¹ Greene, *Quest for Power*, 166-67; *Acts of the Privy Council, Colonial*, 4: 311; *Board of Trade Journal, 1754 to 1758*, 184-85.

From the day of its birth, the Georgia Commons desired powers at least equal to those enjoyed by Lower Houses in other colonies. London authorities noted the developments of early 1755 with some consternation, as it confirmed their worst fears about the inherent tensions between colonial and imperial authority. The Board of Trade made its position clearly known to Reynolds:

This Assembly have laid in such early claims to privileges and powers, which tho' of long usage enjoyed by some other Assembly, are inconsistent with all Colony Constitution whatever, contrary to the practice of the Mother Country in like Cases, and to the express directions of His Majesty's Commission.⁵²

Reynolds later compounded his problems with the Assembly by reading these exact criticisms to the House in 1756, which helped to turn the Lower House against him. Representatives protested that they had not “ask'd any thing unconstitutional nor contrary to the practice of our Mother Country.” All they wanted was “to procure for our constituents such Privileges as other Collonies enjoy.”⁵³ The 1755 petitions did not meet with the success that members hoped, and the question of Assembly authority would be revisited throughout the remainder of the colonial period.

By the beginning of 1756, Reynolds decided that representatives in the initial Assembly were too friendly towards the Royal Council to be trusted. Instead, he decided to back his own loyal party based upon the former Gray faction in the Commons House. When the session began on 2 February 1756, the first order of business was the examination of bye elections held to replace departed members (including two

⁵² Thomas Pownall to John Reynolds, 5 June 1755, *Manuscript Colonial Records of Georgia*, 34: 140-41. Volumes 33-39 of the Georgia Colonial Records are unpublished and exist in manuscript at the Georgia Department of Archives and History in Atlanta, Georgia, as well as the Georgia Historical Society in Savannah, Georgia. (Hereafter cited as *MsCRG*).

⁵³ *CRG*, 13: 97.

Assemblymen named to the Council). Three of these contests had resulted in the returns of Charles Watson, Edward Barnard, and John Barnard. Since the members in this Commons were nearly identical to the one that had expelled these Grayites in 1755, the House's next step was entirely predictable. Edward Barnard's election was declared "undue," and he was expelled. The returns naming Watson and John Barnard were then referred to a committee for further action. Everyone expected that their selections, too, might be thrown out.

In the midst of this election controversy in the lower chamber, the Upper House launched another inquiry into Little's conduct during the 1755 legislative session. In particular, they wanted to find out what happened to the two missing bills that had passed both chambers yet never reached the governor. So that it did not seem like a continuation of the previous investigation, the Council invited the Lower House to join them in looking into the matter. The Assembly, still sympathetic towards Reynolds because of his past suppression of the Grayites, hesitated to take such a potentially divisive step. However, a stern message from Council declaring that they would not concur in any business until their request for cooperation received an answer convinced the Lower House to take action. The Commons agreed to take up the question of the "sunk" bills and Little's involvement in the affair that very afternoon.⁵⁴

When a messenger relayed the proceedings to the colony's chief executive, he grew alarmed. First the Lower House had refused to seat the three Grayites, and now, in cooperation with the Council, it had agreed to investigate the governor's favorite. Before the Commons could address the case of the missing bills, Reynolds abruptly and without

⁵⁴ Ibid., 13: 86, 88, 90-91.

explanation adjourned the legislature for seven days. When the representatives reconvened a week later, a stern message from the colony's commander-in-chief awaited them. He called the Assembly's election judgments "irregular in Point of form, and an Attack upon the Liberty of the Subject, . . . [and] as a Contempt of the Authority His Majesty has been pleased to invest me with." Leaving three districts without delegates deprived hundreds of inhabitants of their right to representation in their government, he said. Reynolds urged the assembled members to accept all of the election returns immediately. If they did not, he warned, all of their actions would be considered illegitimate.⁵⁵

As the representatives began work on their reply to the governor's message, they found that William Little, the Clerk, refused to take the minutes until all of the elected delegates had been admitted. The members ejected Little from the building and appointed a temporary secretary to perform the necessary duties. The Assembly's response to Reynolds expressed both their confusion and indignation. Their actions, they explained were entirely consistent with those undertaken "last Session which then met with your Approbation." Why did he now object? The House's goals were to support both the "Libertys of our Representatives" and "the Authority of His Gracious Majesty." Doing so required a balance between the rights of the Crown and rights of the Assembly. Adjudicating disputed elections was "the surest Method of securing to the Subject the essential privilege of being fairly represented." As representation was the proper

⁵⁵ Ibid., 16: 74-76; *ibid.*, 13: 91-93.

business of the Commons, so too was the authority to declare elections invalid. The governor had no right to intervene.⁵⁶

When a legislative delegation called upon Reynolds to inform him of their position, he declined to even see them until they ruled in favor of Marcer, Edward Barnard, and John Barnard. Instead, he adjourned the House again. The events that ensued closely resembled the chaos that reigned when Charles I attempted to prorogue Parliament in 1629. As the Speaker of the Georgia House rose to read the governor's adjournment message, several members forced him back into his chair for several hours while they formulated a protest against what they saw as Reynolds' abuse of power. When Speaker Douglass refused to recognize the document's legality, he was informed that he was a servant of the Assembly and therefore had "no Right . . . to refuse to sign any thing that passes this House." Finally, the Speaker relented and the gentlemen agreed to adjourn. The events of the session set important precedents for the Assembly's independence. The rank and file successfully asserted their control over the Clerk and Speaker—the only two positions in which the governor had a direct voice.

In response to these developments, Reynolds summoned the entire House to the Council chamber. There he berated representatives for engaging in unproductive "disputes and Dissensions" instead of "framing some usefull Laws conformable to the Constitution of this Infant Colony." They had disregarded his warnings that they could not engage in any business until all the elected members took their seats, and continued to

⁵⁶ Ibid., 13: 96-97.

sit illegally as a House. Given this “Insult Offer’d to His Majesty’s Authority,” the governor declared, he had no choice but to dissolve the Assembly.⁵⁷

After the tumultuous legislative session of February 1756, the Council decided to take its complaints about Reynolds and Little directly to England. Councilor Alexander Kellet departed in March with a petition asking for a royal inquiry into Georgia’s mismanagement. Fellow member Jonathan Bryan, writing in support of the petition, told the Board of the Trade that the province was no longer a place of liberty, and feared it would “be reduced to as low an ebb as it was under the Late unhappy Constitution of under the Trustees.” Kellet’s memorial attacked Reynolds for his decision to dissolve “the best Assembly he’ll ever probably meet in Georgia,” merely to prevent it from revealing William Little’s misdeeds. The governor also stood accused of a long string of unethical actions ranging from the harassment of councilors to the illegal alteration of Council minutes. Potential settlers who heard of Georgia’s chaotic situation refused to set foot in the province, Kellet maintained, and the result was “the daily Decline of a Colony.”⁵⁸ Kellet arguments evidently proved convincing. Just three weeks after Kellet’s hearing, the Board of Trade recommended Reynolds’ recall.⁵⁹

While authorities in England made preparations to send over his replacement, Reynolds was busily trying to expand his grip on Georgia’s government. As soon as Kellet departed the colony, the governor suspended him from his offices as councilor and Provost Marshal. Reynolds named his personal steward, Nathaniel Day, as the

⁵⁷ Ibid., 16: 94-101.

⁵⁸ Memorial of Alexander Kellet to the Board of Trade, 7 July 1756, *ibid.*, 27: 117-20.

⁵⁹ H. Fox to the Board of Trade, 3 August 1756, *ibid.*, 27: 120-21.

replacement to the latter office.⁶⁰ This was an important step in building a majority in the Lower House. In addition to acting as the province's Sheriff, the Provost Marshal also acted as the chief elections official. He delivered the election writs to chosen deputies in the various districts, collected the returns, and then reported the results. Since Day was Reynolds' servant, the governor now had enormous influence over the election process. In theory, the Marshal could alter the outcome of any election that displeased him, and quite possibly Day succumbed to this temptation to assist his leader through vote manipulation. Though no direct proof exists to support such a conclusion, the Assembly in 1761 enacted specific penalties should the Provost Marshal "make any fraudulent return or shall influence or endeavor to influence or perswade any Voter not to vote as he first designed."⁶¹

After installing Day as Provost Marshal, Reynolds proposed a new round of Assembly elections, an event that needed the Council's concurrence. The Council rejected the governor's suggestion, perhaps because of concerns over Day's fitness for his job or merely just wanting to wait until Kellet reported back from London. By the end of the summer of 1756, however, it was clear that Georgia badly needed an Assembly to pass a tax bill and keep the courts operating. The first two sessions of the legislature had produced largely ineffective revenue measures which did not adequately provide for the province's military defense. This omission became of prime importance when France and England formally opened hostilities in 1756. Though Georgia saw little fighting apart from periodic clashes with privateers, the outbreak of the Seven Years War caused

⁶⁰ John Reynolds to the Board of Trade, 29 March 1756, *ibid.*, 27: 114.

⁶¹ *Ibid.*, 16: 469.

frequent alarms in the colony until its conclusion in 1763. For all of these reasons, the Council finally agreed in September 1756 to summon a new Assembly.⁶²

The Assembly election outcome demonstrates how successfully Reynolds and his supporters managed their campaign. When representatives arrived in Savannah on 1 November 1756, they counted among their number former Grayites Edward Barnard, John Barnard, William Francis, Samuel Marcer, and Charles Watson. Only four members from the dissolved Assembly won re-election. Also elected and chosen as Speaker was the governor's favorite, William Little. By manufacturing a solid pro-Reynolds majority in the Lower House, Little now received his reward.⁶³

Between the call for elections and the convening of the Commons, developments from abroad changed the focus of the legislative session. Word of Reynolds' recall reached America in late October 1756, and he was ordered to depart for England as soon as his replacement arrived in early 1757. The governor decided to use his remaining time to solidify his influence in the province. If he achieved complete control, he believed, he could then have his followers generate representations of support to lay before the Board of Trade in his impending defense.

Reynolds' long running feud with his Council grew worse in late 1756. The governor and Attorney General William Clifton had clashed earlier in the year about the latter's performance in office. This led to an executive order to the ranking judge of the General Court barring Clifton from practicing law. Senior Justice and Councilor Noble Jones—a former Assistant under the Trustees—apparently refused to comply with the order.

⁶² Ibid., 7: 385.

⁶³ Ibid., 13: 410-11.

Reynolds used this as a pretense to remove him from all of his public offices and replace him on the Court with Patrick Mackay, who had been named to the Council just the day before Jones was removed.⁶⁴ Mackay's elevation to the Council gave Reynolds three loyal members who owed their positions to him alone. The governor could, in theory, use these three to bypass the rest of the Board in judicial appointments, which needed the approval of only three councilors.

This theory became reality in 1757 when Reynolds filled two vacant positions on the bench of the General Court. These had been created through the suspension or resignation of two members who served in the hostile Assembly dissolved in early 1756. Seven councilors attended the meeting called on 14 January 1757 to name new judges. Three councilors voted for the governor's nominees—William Little and Joseph Butler—while four opposed them. The minutes then declared the two men “accordingly appointed, as the consent of Three Members are only necessary on this Occasion by the governors Instructions.”⁶⁵ These two selections put Reynolds men in all three seats of the General Court.

While Reynolds worked around the Council, the Assembly went on the attack. The first step in this task was the rehabilitation of the ex-Grayites that now formed the core of the Lower House majority. Their 1755 public appeal—branded as “seditious” by the governor and both Houses—still tainted their credibility. The Little-led Commons

⁶⁴ Kellet Memorial, 7 July 1756, *ibid.*, 27: 119; *ibid.*, 7: 449-451. Mackay had formerly served the Trustees briefly as Indian Agent before being abruptly dismissed (see Ch. 2).

⁶⁵ *Ibid.*, 7: 459-60. While the Council minutes do not record the breakdown of votes, it is likely that the four original Council members—Patrick Houstoun, James Habersham, Francis Harris, and Jonathan Bryan—voted against the nominees while the three recent councilors—James Powell, James Read, and Patrick Mackay—voted in favor.

blamed the events of 1755 on “Bad and Sinister” advisors (implying the Council) who sought to exclude rightfully elected representatives from power “and thereby secure all places of Trust, Power, and Proffit to themselves.” The Grayite letter calling for public demonstrations of protest was not a call for violence, but merely an attempt to “procure a fair Hearing in a disputed Election.” In less than two years, the government transformed its view of Gray and his followers from that of dangerous rebels to champions of liberty.⁶⁶

The Assembly’s main goal was to assess blame for the province’s troubles. Most inhabitants agreed that Georgia’s economic and political development lagged far behind expectations. In England, Kellet urged authorities to hold Reynolds and Little accountable because they had abused their authority. In December 1756, Little established a Committee on the State of the Province. The pro-Reynolds Assembly targeted the three members of the royal Council who once served the Trustees as Assistants: James Habersham, Francis Harris, and Noble Jones. This Committee indicated its intentions by demanding to see the minutes of the President and Assistants as well as all correspondence between members of that board and the Trustees as far back as 1750. Only two representatives dissented in the House resolution demanding the interregnum government’s papers. One was Philip Delegal, who had served loyally under Oglethorpe’s command. The other was Noble W. Jones, son of the councilor of the same name.⁶⁷

⁶⁶ Ibid., 13: 111.

⁶⁷ Ibid., 13: 106.

Since Habersham possessed the only accessible copies of the requested documents, Reynolds ordered him to submit the materials to the House. Habersham, an intelligent and cautious man, foresaw the investigation's inevitable conclusion. He handed over only the minutes for the President and Assistants, as those were part of the public record. Habersham had consulted with the elder Jones, Harris, and Patrick Houston, and all agreed never to relinquish any correspondence between the Trust and officials in Georgia. At that time, ultimate authority in Georgia lay with the Trust, not with the Crown or the Assembly. The Assistants were therefore accountable only to the Trustees for their actions. As that group no longer existed, Habersham concluded, the papers were private, not public, in nature. If he was forced to submit these to the House, the Assembly might as well claim a right to inspect all communications between England and Governor Reynolds—a clear infringement of the royal prerogative. As councilors, the former Assistants felt “bound to guard against” such “an Innovation.”⁶⁸ The Lower House rejected Habersham's arguments, found him in “Contempt of the Governors Orders,” and then proceeded to draw up a state of the province without the desired information.⁶⁹

The Assembly's written account of the province exonerated Reynolds and condemned his predecessors. The Trustees, the report said, had established “an Impracticable Scheme of Government,” and compounded this error by appointing inferior men to office. In particular, the President and Assistants had abused their offices for profit. They had issued excessive numbers of grants to themselves and cronies in an attempt to

⁶⁸ Ibid., 13: 122-23.

⁶⁹ Ibid., 13: 125.

engross the most valuable lands, allowed trading firms to acquire monopolies over important segments of the economy, and had neglected their duty to encourage agriculture and industry. After the royal takeover, the same irresponsible Assistants then “continued in such Power as was Scarce Consistent with Royal Government.” Now councilors, these men misrepresented their opponents (the Grayites) as “Incendiaries disaffected to all Government.” Through these illegitimate means, charged the House, the Council managed to manipulate elections to achieve an Assembly majority favorable to them in 1755.

The Assembly representation praised Reynolds for his efforts on Georgia’s behalf. After the governor arrived, the report asserted, the government functioned with far less partiality and prejudice than under the President and Assistants. As a result, Georgians were more satisfied than ever before and possessed a vigorous “Spirit of Industry.” After approving a final draft of the propaganda piece, the representatives delegated Speaker Little (who would depart with his patron Reynolds) to lay the document before the Board of Trade.⁷⁰

In large part Reynolds had succeeded in limiting the Assembly’s power throughout his first year in office. During bid for favor in the Lower House in late 1756 and early 1757, however, he allowed the Commons to partially usurp royal authority. The Crown later disallowed two important bills from this session regulating the courts and jury selection, both of which, said the Board of Trade, undermined “the jurisdiction of his Majesty’s Courts.”⁷¹ In 1757, the Georgia Assembly criticized Benjamin Martyn, saying that he

⁷⁰ Ibid., 13: 146-48. Clearly the Assembly report did not impress London authorities as Reynolds was put back on active military duty rather than given another civil post.

⁷¹ *Board of Trade Journal, 1754-58*, 427-428.

was not the colony's legal agent and that they had "no part in recommending him [and] he is not accountable to them for his Conduct." Though the Lower House took no action against Martyn, Georgia representatives insisted that only the colonial Assembly was at liberty to select an agent.⁷²

That these assertions of power went unchallenged by the governor undoubtedly distressed London officials. Far worse, though, were Reynolds' abdications of royal authority in a bid to maintain this Assembly's support. Powers expressly given to the governor by royal instructions were instead exercised by the Lower House. Chief among these were the nominations of Justices of the Peace and militia officers.⁷³ Reynolds' successor judged these "precedents equally unjustifiable & impolitic, but which were to serve two purposes, to cajole the people & to embarrass a future Governor."⁷⁴

Lieutenant governor Henry Ellis arrived in February 1757 and assumed command of the province. During his first year in Georgia, Ellis was technically only acting governor pending the results of the Crown inquiry into Reynolds' conduct. However, London authorities had already decided before dispatching Ellis that Reynolds would not return to govern the province further. The Board of Trade made Ellis' administration official in 1758 by formally elevating him to the governorship. A poetic tribute by "Americanus" suggests that few inhabitants mourned the change in leadership:

T's done at Length, the tumults past,
The storm that threat'ned is blow o'er;
R----ld's Power has breath'd it's last,
Littl's vile Threats are heard no more.

⁷² *CRG*, 13: 148-49.

⁷³ *Ibid.*, 13: 139.

⁷⁴ *Ibid.*, 28 part 1: 4.

The Planter now, his Hopes elate,
 Pursue the rural Healthy plan;
 Foretels our Georgia's prosperous State,
 The Great Idea charms the man.⁷⁵

Just as the inhabitants had celebrated Reynolds' arrival, so too did they cheer his departure. He had outlasted his welcome in Georgia, leaving behind a stagnant economy, sluggish demographic growth, and a government paralyzed by factionalism.

The Council and leaders from the first Assembly had found themselves in the uncomfortable position of opposing the King's chosen representative. Colonial resistance to Reynolds, however, does not imply either rebellion or revolution. Indeed, inhabitants reveled in their British heritage and continually asserted their love for and obedience to George II. The conflicts of 1755-57 arose due to sharply differing expectations about liberty and authority under royal government. Crown officials, drawing upon experience gained in other colonies, saw a reckless Assembly as the greatest threat to stability and order. Only through royal power could the government guarantee liberty to its citizens. Accordingly, Governor Reynolds viewed the Council and Assembly as little more than convenient tools to enhance and preserve the royal prerogative. When Georgians objected to this conception of their government, he interpreted their opposition as an attack on authority in general. Reynolds' response was to bypass the Council, break the Assembly, and then construct a new loyal and obedient faction. How it must have frustrated the Board of Trade to see Reynolds simultaneously fulfill and abandon his duties! In the course of establishing his authority as the King's agent, he also expanded the Assembly's sphere of influence.

⁷⁵ On Governor Reynolds Departure for England, undated, *CGHS*, 20: 12-13.

Most influential Georgians saw the colonial role in royal government very differently. As experience had repeatedly shown in South Carolina and throughout America, the best guarantor of liberty was expansive local authority. The Georgia Council and Assembly therefore sought to possess the same powers and privileges held by other provinces in British America. The colonists expected the governor to defer to their superior knowledge of local conditions and needs. In this view, crown officials—including the governor—existed largely to defend the people’s right to govern themselves. Instead of conforming to these expectations, Reynolds ignored local advice, elevated an outsider to prominence, and twisted the Assembly to serve his own ends. Inhabitants interpreted these actions as an assault upon their rightful liberties—the same conclusion many would draw about imperial developments from 1765-1775.

CHAPTER FIVE
THE RESORT OF LIBERTY: GEORGIA'S
QUEST FOR MATURITY, 1757-1764

How has this infant Province shook,
Under a lawless tyrant's sway;
But lo! The iron rod is broke,
Ellis is come to cheer our Day.

Thanks to our Sovereign great and good,
His royal Hand is swift to save;
Destruction seemed a coming Flood,
Ellis our guardian stems the Wave.¹

Thus did the same anonymous poet who eulogized Reynolds' tenure in Georgia celebrate the arrival of Henry Ellis in February 1757. Jonathan Bryan, a member of the Council, escorted Ellis from Charleston to Savannah and undoubtedly helped coordinate the "tumultuous demonstrations of joy" that greeted the new governor. According to the *South Carolina Gazette*, the entire town turned out to welcome the two men with

¹ On Governor Ellis's Arrival in Georgia, undated, *CGHS*, 20: 11-12.

boisterous cheers. Volleys of cannon fire echoed from the town and from ships at anchor in the harbor. That night, a large bonfire lit the central streets of the town a shimmering, festive orange. After more celebration—involving copious amounts of liquor—someone produced an effigy of William Little. The crowd proceeded to take out their frustrations on the “Tyrant in himself, [and] a Promoter of it in his Master” by casting the likeness into the flames.² Even citizens with little interest in politics paused to approve the change in leadership. Despite serving in the Assembly from 1758-59, merchant Thomas Rasberry’s letter book is devoid of political references save for one line noting that “News of Governor Ellis’s succeeding Mr. Reynolds in the chief Command of this Province was a Matter of Joy, I presume, to most of our Inhabitants.”³

Though a navy man like Reynolds, Ellis had not restricted himself to the narrow confines of military life. Only thirty-five years old when he took control of Georgia, he had already accompanied three exploratory voyages to Africa, three to the West Indies, and one to Hudson Bay. These journeys allowed him to indulge one of his greatest passions: the pursuit of scientific knowledge. The young Ellis took careful notes about local vegetation, animals, and weather—a practice he continued in America, and one that is reflected in his crisp, concise, and organized reports to the Board of Trade.⁴ His

² *South Carolina Gazette*, 28 April 1757.

³ Thomas Rasberry to Samuel Lloyd, 1 November 1758, “The Letter Book of Thomas Rasberry, 1758-61,” in *CGHS*, 13: 18. Rasberry here referred to the official promotion of Ellis at a later date, but the letter still reflects the positive way in which the inhabitants viewed the transition. Though Ellis remained only Lt. Governor until 1758, he exercised the powers of the Governor without interruption from his first arrival. Therefore, for the sake of simplicity, I have referred to him as “Governor” throughout his tenure.

⁴ Edward J. Cashin, *Governor Henry Ellis and the Transformation of British North America* (Athens, Ga., 1994), 12-46. Other biographical material on Ellis can be found in Cashin, “Governor Henry Ellis and the American Colonial Frontier,” *Gulf Coast Historical Review* 7(1992): 17-30; and Tom Waller, “Henry Ellis, Enlightenment Gentleman,” *Georgia Historical Quarterly* 64(1979): 364-76.

rational and experimental outlook made him an effective politician in the colonial environment. Ellis believed in the necessity of observation and information gathering before taking action, which caused him to approach problems cautiously and deliberately. His detached scientific demeanor gave him an aura of disinterestedness, which made it possible for him to soothe hot tempers without appearing partial to one party or the other, even on occasions when he took sides.

In contrast to his predecessor, Ellis' thought process led him to adopt a colonial outlook towards administration. Like most individuals selected to hold imperial offices, both Ellis and Reynolds believed that colonies existed primarily for the benefit of England. Reynolds therefore tended to support any measure that helped the Crown or mother country, even if it harmed Georgia. Ellis, however, conceived of the relationship between periphery and center in a slightly different fashion. In his view, pursuing policies beneficial to Georgia was the correct means to aid the British Commonwealth. If the province's economy boomed, so too would England's trade. Conversely, if the provincial economy faltered it might negatively affect the mother country's prosperity. While a great believer in an expansive use of the royal prerogative, Ellis was at times willing to defy instructions from the Board of Trade when Georgia citizens objected that compliance would hinder colonial development.

The result of this colonial outlook was massive demographic and economic expansion under the guidance of Ellis and his successor James Wright from 1757 to 1765. The colony's population growth had stagnated during the Reynolds years, but over the following decade the white population doubled from 5,000 to 10,000. The slave population grew even more rapidly, rising from 3,000 to 8,000—a testament to Georgia's

growing affluence. Savannah's rice trade exploded as planters emulated their counterparts in South Carolina. Savannah in 1756 exported only 2,300 barrels of rice, but by 1766 that number had risen to 12,200. A second significant port developed at Sunbury in the Midway district to help accommodate the increasing maritime traffic. The decade after Reynolds' departure finally saw Georgia take great strides towards economic maturity.⁵

Georgia also began to move toward political maturity in the late 1750s and early 1760s. The settlers' conception of colonial governance had not changed significantly since the settlement's beginning: the key to liberty was a balance between local and imperial authority, the former strong enough to keep the latter in check. The Trustees—in ruling the province directly from London—had failed to achieve this balance. The first royal governor also had subverted liberty by granting excessive power to William Little and his compliant Assembly to the detriment of Council and Crown. Reynolds had envisioned the Assembly as the governor's tool instead of as a body that represented the popular will. Both the Trustees and Reynolds had trod the first ominous steps towards tyranny, which resulted in vehement colonial protests.

Beginning in 1757, Georgia's administration began to move toward the colonial ideal—the mother country provided for defense, regulated trade, protected property, and helped administer justice. The remaining duties fell within the sphere of local political institutions. Colonists recognized that it would take time to achieve a properly balanced government since the Crown initially had sought to maximize its direct royal influence. Inhabitants judged their status through comparisons with other colonies, particularly

⁵ Gray and Wood, "Indentured to Involuntary Servitude," 365.

South Carolina, that had already reached maturity. “It would be happy for us if South Carolina was at a greater distance,” wrote Governor Ellis in 1759, “as our people are incessantly urging & aiming at the priviledges enjoyed there.”⁶ It should be noted that Georgians used such comparisons selectively in order to expand their claims to local authority. If even a single province possessed a specific privilege or power, it did not matter if the rest did not. Georgia would demand it as a customary entitlement.

The sporadic conflicts and protests over colonial power and privilege from 1757 to 1765 took place in an atmosphere of general contentment with royal administration. The colony’s chief executives meticulously sought and weighed the opinions of leading planters and merchants. Ellis, and Wright (to a lesser extent even prior to the Stamp Act), gave deference to the settlers’ superior experience in dealing with local conditions. The colonists were involved in the governing process. So long as Georgians could observe some progress toward achieving their ideal conception of the relationship between mother country and province, they remained satisfied.

For Georgia in 1757, economic expansion and political contentment were expectations for the future. Upon his arrival, Ellis confronted a bleak present. Georgia was vulnerable to attack by the French, Spanish, and Indians. The only fort in the province, at Augusta, lay in such disrepair that it could not fire its cannons for fear that the vibration would bring down the ramparts. If an emergency required calling out the militia, the colony would be fortunate to mobilize 1,000 men. A unit of rangers established under Reynolds existed only on paper. The tax bills enacted in previous years brought little revenue into the provincial treasury, so the government had no money to repair the colony’s pitiful

⁶ Henry Ellis to the Board of Trade, 15 March 1759, *CRG*, 28 part 1: 193.

defenses. Reynolds and Little lingered around Savannah for several weeks after Ellis' arrival, leading to speculation that they conspired against the new chief executive. To restore safety, stability, and liberty, Ellis would need the cooperation of both Council and Assembly. However, he perceived "an almost universal discontent arising from the late proceedings & persons in power." The Council and Lower House appeared more interested in destroying each other than governing.⁷

Historians overemphasize the impartiality of Ellis' administration. While he labored to present a public image of disinterestedness, the new chief executive chose sides immediately upon his arrival in Savannah. During the early months of 1757, a large number of inhabitants were preparing anti-Reynolds and anti-Little addresses to present to Ellis. Unlike Reynolds, Ellis recognized that the Council was his natural ally, and he listened attentively to complaints about Little and the Assembly. In language "inflamed with resentment & liberal in invectives," the pro-Council faction urged him to take "very violent" steps to restore order, beginning with a dissolution of the Assembly and a purge of all Reynolds men from public office. Ellis found their arguments—though not their proposed remedies—convincing. However, he delayed taking major action in order to maintain an appearance of neutrality. By merely waiting a few days after the furor subsided, he astutely concluded that any changes he ordered would be then be "attributed to my own judgment [rather] than to the advice of designing and interested people."⁸

The governor's protégé, William Knox, urged his mentor to use these petitions as a justification for drastic action against the House. They could dissolve the Assembly, he

⁷ Henry Ellis to the Board of Trade, 11 March 1757, *ibid.*, 28 part 1: 2.

⁸ *Ibid.*, 28 part 1: 3.

argued, and then attribute the decision to overwhelming public demand. The governor resisted such a drastic step. As his first official act, Ellis prorogued the Lower House until 8 March 1757, and later extended the adjournment until 17 June. This gave him time to measure the character of each of the representatives. Upon examination, he concluded that most members of the Little majority were not dishonest, but merely “flexible weak & ignorant.” They were “equally disposed to good or evil,” and willing to follow any scheme that offered them profit or position. Ellis knew he would never trust such men, but he might succeed in turning a few of them to his side.⁹ He believed that if he just removed the leaders of the Little faction, the remaining representatives would fall into line with his program. When Knox studied the situation and acquainted himself with several Assemblymen, he realized that Ellis had judged the situation correctly—members of the current House were more ignorant than corrupt. Knox further suspected that a new round of elections might result in a Commons House majority made up of Carolina immigrants, whom he considered far worse than Reynolds cronies.¹⁰ Through persuasion and charm, then, Ellis believed he might “have all the advantage of a tractable Assembly without any of the odium of procuring it.” If the members remained stubborn, Ellis drew up an alternative plan that would require a dissolution and yet appear wholly impartial. The Crown wanted Georgia divided into counties or districts, and representatives

⁹ Ibid., 28 part 1: 3-4.

¹⁰ “Reminiscences,” in Historical Manuscripts Commission. “Manuscripts of Captain Howard Vincente Knox,” *Report on Manuscripts in Various Collections* vol. 6 (London, 1908), 247. (Hereafter Knox Papers)

reapportioned according to population growth. Accomplishing this reform would mandate new Lower House elections.¹¹

After delaying the inevitable showdown with the Lower House, Ellis moved steadily to bolster the influence of the Council and remove any potential obstacles to his administration. Knox took a seat on the Council and replaced Reynolds' servant Nathaniel Day as Provost Marshal. Ellis then ejected the two most recent nominations to the Council, James Read and Patrick Mackay. The two remaining Reynolds' men thereafter showed a willingness to cooperate with the new governor lest they lose their positions as well. In addition, Ellis restored Noble Jones and Clement Martin to the Council, and then chose William Clifton for the same honor. All three had feuded with Reynolds and Little, and all could thus be counted upon to undermine the grip that Little's "creatures" had on the government. Throughout the Spring of 1757, Ellis consulted his councilors on matters both major and minor, which undoubtedly satisfied the colonials' desire to be an integral part of local affairs.¹²

Ellis next focused his attention on the General Court, currently under the sway of three judges appointed by his predecessor. Little's impending departure left one seat open out of three on the bench. Whenever possible Ellis preferred to neutralize Reynolds adherents without creating new enemies. Therefore, he decided to leave the remaining two justices—including senior justice Patrick Mackay (who was recently removed from

¹¹ Ibid., 248; Henry Ellis to the Board of Trade, 20 March 1757, *CRG*, 28 part 1: 13-14.

¹² Ibid., 7: 488, 498-99, 500, 504, 539, 591-92

his Council seat)—on the bench. Instead, the governor decided to expand the number of judges to five, allowing him to create a 3-2 majority in his favor.¹³

Ellis' most difficult political task was to break Little's influence over the Lower House and regain the royal powers delegated to it. Under Reynolds, the Commons had claimed a right to nominate Justices of the Peace and choose militia officers. Ellis took full advantage of the Assembly's forced recess to restore these powers to the governor in Council. Unwilling to condone the Commons' actions in nominating judicial officials, Ellis in March 1757 issued new Commissions of the Peace for the entire province. To limit possible controversy or protest over the action, he reappointed seven of the ten justices chosen by the Assembly.¹⁴ To regain control over the province's military defenses, he reorganized the militia into an entirely different structure, thus making necessary new appointments for most officers. These men now owed their positions and loyalties to the current governor, not to Reynolds or the Lower House.¹⁵

The Assembly in addition had asserted that it, not the Council, had the right to audit the provincial accounts and issue public money. Ellis considered this the most outrageous usurpation of all, "a Measure that at one stroke put our Assembly on the footing of that of Carolina and subverted that check which ought to subsist for curbing the proceedings of that body." Little had used this power to reward his supporters and punish his enemies. Only members of his faction received payment for services rendered to the government. The House denied applications from his opponents. Again, Ellis

¹³ Ibid., 7: 504.

¹⁴ Ibid., 7: 504-05.

¹⁵ Henry Ellis to the Board of Trade, 5 May 1757, *ibid.*, 28 part 1: 25-26.

capitalized upon the Lower House's adjournment to reassume royal authority. Citing the need for emergency action to restore public credit, Ellis requested that all persons owed money by the government come forward and present their claims to the Council immediately. The recessed legislature had no means of objecting to this, and the Council again began to routinely audit the public accounts.¹⁶

In a few months, then, Ellis had come close to achieving his vision of the proper balance of authority between Commons, Council, and governor—which closely resembled the expectations held by royal officials. The speed and thoroughness of the governor's political offensive unnerved and angered William Little. While Ellis was busy preparing a report for the Board of Trade, he stopped in mid-thought and recorded that he was just then “interrupted by a visit from Mr. Little.” The House Speaker had barged in on the governor to inform him that if he dared to dissolve the Assembly and seek a new election, the move would backfire. Little had “taken measures to have the same men rechosen.” Ellis managed to hold his temper in check, but was more convinced than ever that he needed to smash the leaders of the Reynolds faction.¹⁷

When Little departed for England to aid in the defense of his patron and carry the Lower House's anti-Council report to the proper authorities, he left behind a set of detailed instructions for the Assembly to follow. He urged the members to resist any effort to repeal the representation passed in defense of Reynolds. Though he did not mention Ellis by name, the former Speaker warned that newly arrived individuals would try to hide their “malevolence & resentment” under the guise of impartiality and

¹⁶ Ibid., 7: 506-07, 545.

¹⁷ Henry Ellis to the Board of Trade, 20 March 1757, *ibid.*, 28 part 1: 13-14.

reconciliation. When the public was thereby “lulled asleep,” he predicted that the Council would move swiftly to protect their tyranny. He accused Ellis—again not by name—of trying to bypass the rightful authority of House, with the result that the “Constitution be shaken to its very basis & foundation.” Given the entirety of Little’s career in Georgia, one could legitimately question the motivation behind this letter. What is unquestionable, however, is that Little appealed to his fellow representatives using a colonial understanding of liberty and authority. Local authority—embodied in its purest form in the Commons House—was the best safeguard against tyranny. Therefore, he exhorted his former colleagues:

to oppose all innovations, which in the end must make Assemblies lose their importance, after which they must soon become useless & be no longer the resort of liberty, the barrier against unwanton power . . . Steadiness & resolution in you who legally represent the people may avert those evils, for nothing can elude the force of an Assembly, enlivened with zeal for the publick happiness.¹⁸

In defense of his interests and those of his patron, Little had produced a ringing endorsement of colonial self-government.

Ellis saw the former Speaker’s letter as an “incendiary” attack upon the Council and governor, not as an appeal for liberty. He feared that the document would rally Reynolds supporters around another colonial leader. The new torchbearer for the pro-Reynolds forces in Georgia was former Council member and current General Court judge Patrick Mackay. The plan was for Mackay to win Little’s seat in a special bye election, whereupon he would “be chosen Speaker & head the Faction.” So far as Ellis could ascertain, Mackay’s goals were to subvert Georgia’s government, plunge the colony into chaos, and use the resulting disorder to petition the Crown to return Reynolds to power.

¹⁸ Copy of Mr. Little’s Letter to the Assembly, 25 May 1757, *ibid.*, 28 part 1: 34-37.

The governor preferred to act indirectly against his enemies in order to retain his impartial image, but he could not allow Mackay to rise to the position as Speaker of the House. The situation required direct action. When Mackay declared his candidacy for Little's seat, Ellis suspended him from the General Court for professional misconduct. The stain of this censure lost Mackay the election and caused him to retire to his plantation in embarrassment and disappointment. Ellis expected that removing the majority's leadership would deliver "the finishing stroke to party," and therefore turned his attention to winning over the remaining representatives.¹⁹

When the Assembly met on 16 June 1757, no one could predict the outcome. Ellis' speech to open the session was part plea and part warning. He promised to "esteem every proposal" of the House provided that it aimed at Georgia's welfare. The three branches of government all agreed on this principle, and it gave them the common ground they needed to work together. Threatened from without by the French, Georgia could not stand to face a threat from within. The recent factionalism must end, he said, for "Your Liberty, Your all is at Stake." He cautioned the assembled delegates not to follow "so fatal an Example" as those offered by Mackay and Little, insinuating that he had the power to bring down any troublemakers.²⁰

Before Ellis could strive to improve the colony, he needed to unite its inhabitants. To do so, he focused on the one issue upon which all factions could agree—the need to improve provincial defenses. British arms had not met with much success in the early campaigns of the Seven Years War, and Georgians dreaded the possibility of foreign

¹⁹ Henry Ellis to the Board of Trade, 8 July 1757, *ibid.*, 28 part 1: 31-33.

²⁰ *Ibid.*, 13: 167-71.

invasion or Indian attack. This atmosphere of fear destroyed settlers' initiative to improve their lands. Nor could Georgia attract new settlers while it remained vulnerable. "In a Country that is exposed to every depredation & attack how can we expect that people will trust themselves of their property?" Ellis asked.²¹ All of his major initiatives as governor were aimed at building Georgia's defenses. The easiest way to accomplish this, he realized, was through the expansion of the province's economy and population. A more prosperous Georgia could raise enough taxes to rebuild fortifications and outfit new units of rangers and militia. Ellis' plan for the province contained four major elements: correcting defects in colonial finances, building military defenses, attracting new settlers, and maintaining good relations with local Indian tribes.

The Assemblymen proved receptive to the governor's message. Indeed, Ellis reported to London that "the utmost harmony has taken place, between the several branches of the Legislature & the publick business goes on with ease and expedition." Citing this statement and others like it, historians assume that the smashing of Little and Mackay convinced the governor's opponents to switch sides out of fear for their positions.²² This conclusion is logical, but misleading. Ellis won their support because he acted as much as agent for the Georgia people as he did the Crown. When the Board of Trade gave him instructions he thought harmful to the province, he opposed them, and on occasion ignored them. He brought about the increase in local authority so long desired by the colonists. Governor Ellis constantly consulted his Council and heeded their advice more

²¹ Ellis to the Board of Trade, 11 March 1757, *ibid.*, 28 part 1: 8-9.

²² For example, see Abbot, *Royal Governors of Georgia*, 66-67.

often than not. He submitted major decisions to the Assembly instead of asking for dictates from England.

In 1757, Georgia's finances were a mess. Tax bills passed under Reynolds had proved ineffective, and Ellis inherited a hefty debt and an annual deficit. The first step in balancing the budget was raising taxes—never a popular request from a newly installed official. Ellis recognized that representatives knew more about the colony's economy than did he. He did not try to propose specific taxes. Instead, he merely drew up an estimate for the coming year and relied upon the Commons “takeing the most effectual and least burdonsome Method for its discharge.” The governor maintained the royal prerogative to set fiscal priorities, but left the means of raising revenue entirely to the legislature. The two Houses complied by passing, with little opposition, a bill doubling the tax rate on land and slaves.²³

Since Georgia was still underdeveloped, the Assembly could not raise enough money to cover all of the government's necessary expenses, particularly the repair of decaying public buildings. An alternative way of financing improvements was the issuing of paper money, a popular expedient in the American colonies. As a general rule, English authorities opposed all colonial efforts to produce currency because of its tendency to lose its value quickly.²⁴ Instructions to royal governors in America forbade them from approving such measures without first receiving permission from the Board of Trade. The Board had sharply criticized a Georgia bill—assented to in 1755 by Reynolds—

²³ *CRG*, 13: 169; *ibid.*, 18: 240-41.

²⁴ On colonial currency, see Joseph A. Ernst, *Money and Politics in America, 1755-1775: a Study in the Currency Act of 1764 and the Political Economy of the Revolution* (Chapel Hill, 1973); Leslie Brock, *The Currency System of the American Colonies, 1704-1784* (New York, 1975); and John J. McCusker and Russell R. Menard, *The Economy of British North America, 1607-1789* (Chapel Hill, 1985).

which authorized the printing of £7,000.²⁵ Ellis arrived at his post with an open mind. He meticulously solicited public opinion on the issue by “sending circular notes to the principal people desiring their sentiments.” He then studied the question in true scientific fashion by making “a tryal of what might be done without it.” Because of Georgia’s unfavorable balance of trade, specie flowed out faster than it came in, leaving inhabitants without a convenient medium of exchange. After careful reflection, Ellis decided that “such a Medium is absolutely necessary here owing to the great scarcity of Gold & Silver.” To support the 1755 notes still circulating, Ellis declared that he would receive them as payments for all of his perquisites, thereby siding with the colonists against the Crown.²⁶ Under his watch, the province made use of paper money on several occasions. The colonial legislature in 1757 provided for the printing of £638 to help pay down the public debt. In March 1759, the Assembly authorized £799 to repair Savannah’s church, secure and reinforce the Tybee Island lighthouse at the mouth of the Savannah River, and build a public magazine. In 1760, Georgia printed another £1,100 to pay for maintenance of the province’s fortifications. As Ellis helped to formulate these proposals, he readily gave his assent.²⁷ In each case, he placed local needs above imperial instructions.

The governor’s apparent enthusiasm for paper currency angered the Board of Trade. They wrote to Ellis expressing their displeasure at his actions and warned him to comply

²⁵ *CRG*, 18: 48-64; Ellis to the Board of Trade, 5 May 1757, *ibid.*, 28 part 1: 21. Evidently less than £2,700 was printed before word of the Board of Trade’s displeasure reached Georgia.

²⁶ Ellis to the Board of Trade, 11 March 1757, *ibid.*, 28 part 1: 12; Ellis to the Board of Trade, 5 May 1757, *ibid.*, 28 part 1: 20-21.

²⁷ Ellis to the Board of Trade, 5 May 1757, *ibid.*, 28 part 1: 21; *ibid.*, 18: 235-40, 308-313, 420-26.

with their instructions in all regards.²⁸ Despite this reprimand, Ellis continued to back printings of paper money. He could not wait one or two years for the Board of Trade's permission since the services provided for "were urgent and admitted of no longer delay." While Ellis freely acknowledged to the Board that Georgia's provisions of paper money were probably "irregular and illegal," he considered them an "expedient which every Colony in America has in some instances employed with great utility and convenience." Ellis thus implied that longstanding colonial customs took precedence over written royal regulations.²⁹ In 1760, Ellis assented to a bill issuing £7,410 in exchange notes. This measure made the currency full legal tender capable of paying all public and private debts for a period of seven years.³⁰ When Ellis returned to London in 1761, he energetically lobbied the Board of Trade for its approval. Georgia had almost no hard money, he said, and its economy would suffer greatly without a medium for conducting commercial transactions. Reluctantly, the Board bowed to the force of Ellis' arguments and recommended confirmation of the law. The Privy Council followed with its formal approval.³¹ According to Jack P. Greene, this marked the first time since 1731 that the Crown permitted legal tender paper money in the southern colonies.³²

Since Georgia taxes could not even cover the operating costs of the civil government, Ellis had to find creative ways to build up the province's defenses. His predecessor

²⁸ Board of Trade to Henry Ellis, 21 April 1758, *MsCRG*, 34: 220-36.

²⁹ Henry Ellis to the Board of Trade, 24 April 1759, *CRG*, 28 part 1: 201-03.

³⁰ *CRG*, 18: 435-55.

³¹ *Board of Trade Journal, 1759-1763*, 205; *Acts of the Privy Council, Colonial*, 4: 802.

³² Greene, *Quest for Power*, 120.

Reynolds had relied on England for defense, submitting detailed and costly plans that had no hope of gaining favor. Ellis continued similar pleas to London for regular troops, but he also counted upon Georgians to take measures for their own defense. He held together and paid the Ranger units recently created, plus he acquired new muskets to better equip the militia.³³ The most daunting prospect was the improvement of physical defenses, which required copious amounts of money and labor. Only the towns of Augusta and Frederica had forts, and neglect had destroyed these as thoroughly as could any French or Spanish cannon.

In the colonial period, all inhabitants traditionally donated both time and labor to build and maintain public roads. Colonists toiled side by side with fellow citizens and their slaves. The governor's plan called for the construction of five forts at key points in Georgia by diverting public labor from roads to fortifications. By the end of summer 1757, all five were either complete or under construction. The bulk of donated labor went into Savannah's defenses, which Ellis designed himself. The town was enclosed by a series of seven bastions connected by a ten foot earthen breastwork, the whole surrounded by a twelve foot wide trench. The townsfolk armed their crude city walls by recovering several cannons buried in the sand during the Trustee era. By the winter of 1757, Georgians took pride that by working together they had made their province more secure at minimal financial cost and with little assistance from the mother country.³⁴

Ellis understood that Georgia needed more inhabitants to spur the economy and increase the militia's manpower, so he designed two important reforms to lure

³³ Abbot, *Royal Governors of Georgia*, 69.

³⁴ Henry Ellis to the Board of Trade, 1 August 1757, *ibid.*, 28 part 1: 40, Ellis to the Board of Trade, 20 September 1757, *ibid.*, 28 part 1: 69.

immigrants from other British settlements. The first proposal was to make Georgia into a debtor's asylum. The final version of the bill protected debtors from arrest for seven years after their arrival in Georgia. Those fleeing from Great Britain, Ireland, or South Carolina would not, however, receive this protection. These exceptions were spelled out in an attempt to limit controversy over the measure and increase the odds for royal approval. The additional provision that excluded South Carolina debtors from obtaining sanctuary may have come from Council President Patrick Houstoun. A resident of Georgia since 1733, Houstoun had witnessed how easily South Carolinians managed to overturn the Trustees' Indian trade and liquor regulations. Georgia leaders clearly did not wish to rekindle the rivalry with their neighbors during wartime.

The Asylum bill of 1757 was a bold assertion of power by a colony without a long tradition of local authority. Georgia's government declared the supremacy of its law within the colony's borders, as this statute, if approved, would block the enforcement of debt laws enacted by other Assemblies. Erecting such a legal asylum was absolutely necessary for the commonwealth's prosperity as a whole, argued Ellis, since indebted Englishmen sought asylum in other nations rather than face the prospect of imprisonment in British territories. Indeed, the governor of St. Augustine encouraged debtors to seek the protection of Spain by settling in Florida. If Georgia made the same offer, Ellis contended that former British subjects would come flooding back from their shelters in foreign lands. Even before passage of the Asylum Act, several planters living on neutral islands let him know that they looked forward to living under British law once again.³⁵ Though the provincial debt measure was clearly "unusual," Ellis and both Houses

³⁵ Henry Ellis to the Board of Trade, 1 August 1757, *ibid.*, 28 part 1: 38-39.

ignored official instructions by leaving out the customary suspending clause.³⁶ Such a broad claim of colonial authority stood little chance of surviving royal scrutiny, and in early 1759 the Privy Council repealed the law for being “inconsistent with the Principles of Justice as well as of good Policy.”³⁷

Ellis believed that royal land policies acted to curb immigration.³⁸ In his opinion, Georgia’s distribution system had two major flaws: individual grants were too large and the government did not ensure that grantees took up and cultivated their lands. Absentee owners held thousands of prime acres. Some of these grantees had acquired property purely for speculation purposes, but others had just changed their minds about moving to Georgia. The governor feared that later immigrants to the province might find all of the best lands taken and have to settle further on the frontier. This in turn would lead to more expenses as the government built new roads and expanded its military defenses. No wonder that Governor Ellis complained to the Crown that lands owned by absentees were “useless, and even detrimental to the province.” He wanted the power to vacate grants made to owners living outside the colony.³⁹

Ellis studied history and undoubtedly had familiarized himself with the Trustee attempt to implement restrictive land regulations. Even had he not, Councilors Houstoun, Habersham, and Jones—who lived through the malcontent movement—could inform the governor of the potential hazards of tampering with land tenures. The Trust had dictated

³⁶ *CRG*, 18: 191-96.

³⁷ *Acts of the Privy Council, Colonial*, 4: 407-08.

³⁸ Excellent overviews into immigration and British government policies towards it are found in Bernard Bailyn, *The Peopling of British North America: an Introduction* (New York, 1986) and his *Voyagers to the West: a Passage in the Peopling of America on the Eve of the Revolution* (New York, 1986).

³⁹ Henry Ellis to the Board of Trade, 5 May 1757, *ibid.*, 28 part 1: 24.

their terms from afar with little knowledge or understanding of colonial conditions. Ellis adopted an entirely different approach to altering Georgia's land system. He needed to adopt a strategy that fit the inhabitants' expectations for self-government. The governor reasoned that "a step of this nature from the Crown might be interpreted as harsh & unpopular but cannot appear in that light when it comes from the people themselves." Instead of seeking a new royal instruction, therefore, he submitted the matter to the Lower and Upper Houses, who promptly wrote the new policy into law. This measure drew support not only from potential immigrants, but also from many Georgia landholders. Absentee lands confiscated under the bill could be redistributed to residents. Ellis achieved exactly what he wished by reinforcing colonial authority.⁴⁰

The second flaw in Georgia's land system according to Ellis was the large grants made to individual petitioners. During a period when the colony desperately needed white males to augment the ranks of the militia, it seemed counterproductive to allow large scale slave owners to monopolize the best land. The governor's royal instructions required him to observe the "ability of the Petitioner" when deciding on the amount of land to grant. However, the same instructions explicitly entitled petitioners to 100 acres for the head of household, plus 50 acres for each family member and slave. To Ellis these two provisions contradicted each other. What if an applicant clearly was unable to cultivate the amount of land he was entitled to? Ellis therefore asked the Board of Trade to allow him the discretionary power of reducing the amount of land for each family member and slave to 10 or 20 acres.⁴¹

⁴⁰ Henry Ellis to the Board of Trade, 18 February 1758, *ibid.*, 28 part 1: 124; Henry Ellis to the Board of Trade, 24 April 1759, *ibid.*, 28 part 1: 207.

⁴¹ Henry Ellis to the Board of Trade, 20 March 1757, *ibid.*, 28 part 1: 14.

The Board of Trade had no interest in thus altering royal instructions, yet Ellis continued the argument in letters to England. The governor, however, soon discovered that colonial opinion ran counter to his. Planters in other colonies monopolized large tracts of land, and Ellis saw that “people here are aiming at the same thing.” When he surveyed his advisors, he found that “some of the Councillors themselves have a passion for this practice.” Leading the way was Jonathan Bryan. From 1755 to 1760, Bryan petitioned for nearly 9,000 acres of land. As it was clear to Ellis that he would get no support from either the Council or Assembly in limiting landholdings, he let the matter drop. The incident helps shed new light on Ellis’ conception of his relationship to the Crown and to the colonists. While he showed a willingness to resist royal instructions, he in this instance bowed to the will of the people.⁴²

The bulk of Ellis’ time during his Georgia years was spent cultivating friendships with Native American tribes. During the Trust era, London officials had attempted to micromanage relations with local tribes without any consideration of the logistical difficulties such centralization entailed. The Trustees once censured an official for daring to use his own judgment during a negotiation instead of complying to the exact letter of instructions drawn up four thousand miles away. When Reynolds became governor, he showed the same casual disregard for local expertise. William Little had scant experience with Native Americans, yet Reynolds delegated Little to host the most important Indian conference during his tenure. Ellis’ administration marked a departure from previous “top-down” approaches to Indian diplomacy. He recognized that Georgians, by virtue of their colonial experience, possessed a better understanding of

⁴² Henry Ellis to the Board of Trade, 5 May 1757, *ibid.*, 28 part 1: 23; Gallay, *Formation of a Planter Elite*, 171-72.

Indian relations than did he or most crown officials in London. Therefore, he relied heavily on provincial expertise in developing policies towards the Creek and Cherokee nations. Councilors Jones, Houstoun, Bryan, and Habersham had numerous encounters with Natives during the Trustee period, and Ellis frequently deferred to their advice on Indian issues.

Ellis recognized that one key to securing Creek loyalty was the resolution of the Bosomworth controversy. Indian interpreters and traders Thomas and Mary Musgrove Bosomworth claimed three large, fertile islands off the Georgia coast by virtue of a 1747 deed given them by Creek Indians. For years they fought against the President and Assistants, the Trustees, and the Board of Trade to win recognition of their claims. For the first few years after their grant, Thomas and Mary pursued their case in Georgia. With no success forthcoming during the Trustee era, they were perhaps pleased to see the Crown take over responsibility for the colony and its land. They then turned their attention to lobbying London authorities through letters and petitions. In an attempt to gain a final determination, they traveled to London in 1754 and appeared before the Board of Trade. Much to the couple's dismay, the Board of Trade refused to surrender 40,000 acres of lush rice land to two private individuals. The Bosomworths returned home empty-handed.⁴³

For more than a decade after 1747, the Bosomworths and the surviving Assistants on the royal Council engaged in a vicious war of words and wild accusations. The bitterness of the controversy spilled over into Georgia government several times from the late 1740s onwards. Just by taking a stand on one side of the issue or the other, a person

⁴³ Proposal of Thomas Bosomworth's to Lt. Gov. Henry Ellis, 31 October 1757, *ibid.*, 28 part 1: 91-93.

would acquire a host of implacable enemies. Samuel Marcer, later a Grayite, was ejected from his position as an Assistant in 1750 for his support of the Bosomworths. In 1754, the Board of Trade passed the controversy over to Governor Reynolds and asked him to investigate the charges made by the Bosomworths and the surviving Assistants. This mandate required Reynolds to question the conduct of his councilors right from the outset of his tenure, which sparked great resentment in those gentlemen and helped to further heighten the tension between governor and Council. When Reynolds broke with the Council entirely, he would embrace the Bosomworths, figuring that the enemies of his enemies were his friends.⁴⁴

Ellis' initial judgment of Thomas Bosomworth was exceedingly harsh. The governor considered the Indian trader a "most mischievous, crafty, & obstinate fellow." However, he put aside his personal feelings in favor of expediency. Even their enemies did not question the fact that the Bosomworths had "great ascendancy over some of the Indian tribes."⁴⁵ The couple would prove useful in maintaining Creek friendship if the government could end the ongoing feud. Accordingly, Ellis began to hint at the possibility of a compromise settlement. To him, it was vital that any agreement be a *Georgia* compromise rather than a London one. The case had already been brought before the Board of Trade and been passed along. Ellis kept that body informed of developments, but he did not want the final decision made in England. The colony needed to demonstrate its capacity for self-government by handling such problematic

⁴⁴ The representations and counter-representations in the Bosomworth affair consume a few hundred pages spread between volumes 26, 27, and 28 part 1 of *CRG*.

⁴⁵ Henry Ellis to the Board of Trade, 5 March 1757, *ibid.*, 28 part 1: 22; Henry Ellis to the Board of Trade, 22 October 1757, *ibid.*, 28 part 1: 75.

situations by itself. All Ellis desired from the Crown was an official grant of authority to negotiate a binding settlement between the injured parties. With this permission in hand by the spring of 1759, Ellis moved quickly to bind the wounds that divided the settlement. The compromise he arranged was not between the Bosomworths and the Crown, but between two colonial groups—the Bosomworths and the Council (particularly the former Assistants). The troublesome couple received one out of their claimed three islands and £2,000 in cash. Both sides cleared their names, and the unhappy episode came to a close.⁴⁶

Though Ellis worked well with both Council and Assembly, the Lower House continued to nurse perceived grievances suffered under Reynolds' governorship. The Lower House's role in royal administration did not fulfill all colonial expectations. In particular, representatives expressed concern about the governor's ability to influence elections. Royal instructions left the summoning and dissolution of the Lower House entirely to the governor. The extent of this discretionary power created uncertainty and uneasiness in the Commons, which saw the potential for the abuse of such authority. In a heated dispute, the governor theoretically could dissolve the House and refuse to call another for years, thus depriving citizens of their representation. Also, a governor might use his dissolution power in partisan fashion to force a new election. Through the use of bribes and threats, he could then place his own creatures in the majority and continue them in power indefinitely without then ever again having to face popular approval. Recent history proved that such speculation had merit. Governor Reynolds had dissolved the House in 1756 for its opposition to his faction. Once he had achieved a pliable

⁴⁶ Henry Ellis to the Board of Trade, 26 July 1759, *ibid.*, 28 part 1: 210-14; Deed executed between Henry Ellis and Thomas and Mary Bosomworth, 24 July 1759, *ibid.*, 28 part 1: 268-69.

Assembly under the influence of Little, there was no reason to expect a new round of elections in the foreseeable future.

To guard against the possible abuse of royal power, the Georgia Commons in January 1759 took action to regulate its composition and selection. The Lower House introduced a bill designed to establish both the frequency and parameters of elections. The Assembly then threatened to cease all other business until the Council and governor gave the act their assent. In private meetings with several members, Ellis successfully emphasized that such obstructionist tactics would hurt the colony. The Assembly continued to operate as normal, but persisted in pushing the elections bill. Ellis thereupon had it “with some difficulty” suppressed in the Upper House, believing that action sufficient to kill the reform effort.⁴⁷

Ellis was proved wrong when the Commons introduced and passed an amended version in March 1759. The governor again attempted to have the Upper House block the bill by making a number of clearly unacceptable amendments. When a Conference Committee of both chambers met to work out a solution, the councilors declared that they “had orders from their House not to recede from their amendments.” After hearing of this committee meeting, though, Ellis feared a renewal of the same animosity between Assembly and Council that had brought Reynolds’ administration crashing down. Therefore, he “suffered them [the Council] to revise the consideration of it which made

⁴⁷ Ibid., 13: 354, 359, 360-62; Henry Ellis to the Board of Trade, 28 January 1759, *ibid.*, 28 part 1: 177.

all smooth again.” The election law passed both Houses and was presented to the governor for his perusal.⁴⁸

The bulk of the elections bill spelled out the routines to be followed on election day, and these received widespread approval.⁴⁹ Two provisions were the root of the controversy. The first of these established thirteen electoral districts and apportioned twenty-five representatives amongst them. The Assembly had previously complained about unjust apportionment in the colonial government. In 1757, the Little House’s address to the Crown charged that the one-fourth of the population along the Savannah River elected three-fourths of the representatives.⁵⁰ The 1759 bill promised to distribute seats more evenly across the province. The second objectionable clause regulated the frequency and length of House sessions. It ordered that all Assemblies be automatically dissolved after three years of sitting. To secure the Commons’ essential place in government, it further declared that the governor could not prorogue a session or dissolve a House for longer than twelve months before summoning another.

The Assembly could call upon both English and colonial precedent in support of their proposals. England’s House of Commons had enacted such electoral controls in 1641 in reaction to Charles I’s eleven years of rule without Parliament, and followed with similar legislation in 1694 and 1716. Recent actions in America had set an even more important precedent. In 1721, South Carolina had enacted and received royal approval for a

⁴⁸ Ibid., 13: 402-405, 407; Henry Ellis to the Board of Trade, 11 July 1759, *ibid.*, 28 part 1: 192; Bill to ascertain the manner of electing members to the Commons House of Assembly and for limiting the time of their sitting, *ibid.*, 28 part 1: 194-99.

⁴⁹ This conclusion is supported by the effortless passage and approval of the same routine procedures in a 1761 elections bill. See *ibid.*, 18: 464-72.

⁵⁰ Ibid., 13: 129.

triennial bill nearly identical to Georgia's 1759 proposal.⁵¹ Representatives saw these legislative guarantees as key to preserving local authority against the excessive powers lodged in the governor. In a supporting address to the governor, members emphasized that they had no intention of destroying the royal prerogative of "the best of kings." Ellis did not abuse his adjournment or dissolution powers, but their very existence threatened colonial liberty. The Lower House merely wished to be acknowledged as an equal partner in colonial administration, with the full "power to serve the Publick, in conjunction with the other Branches of the Legislature."⁵²

Ellis had mixed feelings when presented with the proposed elections law. The instructions in his royal commission—unambiguously giving these powers to the governor only—explicitly and specifically prevented him from giving his assent. At the same time, he did not want to veto the measure because he saw the justice in many of the Assembly's concerns. The Commons offered him a novel solution: pass the bill along to the Board of Trade with neither assent nor veto. Though nothing authorized him to do so, Ellis accepted the advice and accompanied the bill with an explanation of why the Crown should approve the law. His only criticism of it was that a proposed three year legislative term was too short, and he suggested that it might be better for a House to sit five or

⁵¹ Robert M. Weir, *South Carolina: a History* (Millwood, N.Y., 1983), 124-25. South Carolina's Act required a House session every six months instead of twelve.

⁵² *Ibid.*, 13: 408-410. Assembly members also complained about the potential hardship of serving an indefinite term and being pulled away from private pursuits, but this appears to be more a polite justification than an actual motive. A representative was free to resign his seat if the duty became unbearable.

seven years. However, Ellis felt that even if the law took effect as written, it would not cause “any considerable inconvenience” to government.⁵³

Ellis advocated approving the statute as a means of forestalling more radical developments. “Perhaps,” he began, “there never was a more moderate & innocent [bill] framed by an American Assembly.” He warned with telling accuracy that if the Crown rejected this bill, a future Assembly would likely pass another elections law “infinitively more objectionable than the present one.” The colonists would “never rest until they can obtain some indulgence in these matters.” In fact, the House sought to implement term limits through precedent if the Crown chose to veto their law. When representatives suggested to Ellis that he forward their bill to England without any decision, they asked him to dissolve the present legislature exactly three years after the last elections. The governor concluded his appeal by emphasizing to the Board of Trade how strongly the Assembly and the colony felt about their liberties, and particularly their rights of representation and self-government:

For these reasons I should be extremely glad your Lordships would condescend to bestow some consideration upon it soon as it is really a point deserving attention, and in order that the inconvenience complained of for want of such limitation as is sought for may be felt as little as possible & to the end that the discontent of the Members may not increase & infect the people in general I shall in all probability be under a necessity of dissolving the Assembly before long.⁵⁴

Ellis did indeed comply with the House’s dissolution request in 1759 in order to head off further and potentially more radical protests. He had detected the first, minute stirrings of serious discontent that would blossom after the 1765 Stamp Act and eventually lead Georgia into revolution.

⁵³ Henry Ellis to the Board of Trade, 28 January 1759, *ibid.*, 28 part 1: 175.

⁵⁴ Henry Ellis to the Board of Trade, 15 March 1759, *ibid.*, 28 part 1: 193.

The governor's pleas fell upon deaf ears in London. In the second half of the eighteenth century, the Crown sought to maximize the royal prerogative and restrict the power of provincial Assemblies to narrowly defined boundaries. The Board of Trade flatly refused to strip electoral power away from the Georgia executive and hand it to the popular branch of the colonial government. The Board deemed the Lower House's establishment of constituencies "improper and unnecessary" since the King instructed the governor to accomplish this. Statutes mandating the length and frequency of Assemblies were likewise unneeded. His Majesty already provided a mechanism for such regulation by granting the governor the power of adjourning or dissolving the Assembly. The Board therefore rejected the Georgia election bill.⁵⁵ For the time being, the Commons did not press their claims farther, but these same issues resurfaced in the 1770s. As Ellis predicted, proposed solutions took more radical forms.

By 1760, Ellis could take pride in his accomplishments as governor. He had calmed the waves of bitterness and resentment engendered by Reynolds. His efforts in Indian diplomacy managed to keep the peace on the Georgia frontier. He had by 1760 reorganized Georgia's electoral districts along lines similar to those proposed by the Assembly. The province's population and economy grew by leaps and bounds under his guidance. Governor, Council, and Assembly worked together in harmony far more often than not. He felt a fondness for the people and places of the colony, and for the remainder of his life he described himself as "Governor" Henry Ellis.⁵⁶

⁵⁵ Board of Trade to Henry Ellis, 24 July 1759, quoted in Greene, *Quest for Power*, 185, 203.

⁵⁶ Ellis early indulgence towards the colonist contrasts sharply with his later hardline attitudes during the Revolutionary War. See John Shy, "The Spectrum of Imperial Possibilities: Henry Ellis and Thomas Pownall 1763-1775," in Shy, *A People Numerous and Armed: Reflections on the Military Struggle for American Independence* (New York, 1976).

Yet Ellis was in one significant way unhappy with his post, and the problem had no solution. The Georgia weather—blazing heat in summer, freezing cold in winter—drained his stamina and strength. Taking measurements throughout the unusually hot summer of 1758, Ellis concluded that Georgia’s air was likely the hottest on the face of the Earth.⁵⁷ In late 1758, the Privy Council gave Ellis permission “to repair to . . . any of His Majestys Northern Plantations, and there stay for such as Space of time as the Recovery of his Health may absolutely require.”⁵⁸ The governor stayed in the province throughout 1759, but by November of that year, he tendered his resignation and asked the Board of Trade to send a replacement. On 13 May 1760, the Privy Council accepted the offer and appointed James Wright as Georgia’s new leader.⁵⁹ Historians have expressed surprise at how readily the Crown accepted Ellis’ resignation and dispatched a new governor. This lack of hesitation certainly stung Ellis’ pride, and his final letter from the province had a wounded and defensive tone.⁶⁰

When Ellis first arrived in Georgia, he reclaimed powers for the governor and Council that his predecessor had let slip away. However, he also gave the Board of Trade numerous reasons to question his commitment to the King’s interests. Ellis pursued what was best for Georgia even when the Board thought it detrimental to the royal prerogative.

⁵⁷ Henry Ellis, “An Account of the Weather in Georgia,” *Annual Register* (1760): 92-93.

⁵⁸ Order of the Kings Most Excellent Majesty in Council, 4 December 1758, Telamon Cuyler Collection, Hargrett Library, University of Georgia, Box 38, Ellis folder 32.

⁵⁹ Orders in Council, 13 May 1760, *CRG*, 28 part 1: 249. Wright was initially named Lieutenant Governor so that Ellis could retain the honors of his rank and title until his return to England.

⁶⁰ Henry Ellis to the Board of Trade, 20 October 1760, *ibid.*, 28 part 1: 288-90. Ellis strongly criticized imperial policy towards the southern colonies, saying that England’s neglect was the direct cause of Indians “murdering the Kings Subjects, and ravaging his Provinces in America, with impunity.”

He assented to a clearly unusual bill creating a debtor asylum despite its lacking a suspending clause. Though instructed otherwise, Ellis continually supported paper money issues. Most recently, the governor took the unusual step of passing along the triennial election Act without giving his assent. He then wrote in support of it even though the measure clearly transferred considerable authority from the Crown to the colony. It is quite possible that the Board of Trade considered Ellis too indulgent towards the colonists in their quest for the same rights and privileges enjoyed in other British settlements.

The addresses from the Upper and Lower Houses upon Ellis' departure show the colonists' regard for him. The Council expressed its "unfeigned Sorrow" at the loss of someone so dedicated to "the civil Rights and Properties of the People." The Assembly's tribute also celebrated the governor's commitment to their liberties. Under his leadership, they had achieved "that Harmony and Unanimity between the several Branches of the Legislature . . . on which the Authority peace and prosperity of Government so necessarily depend." These went beyond the rote ceremonial words traditionally offered on such occasions. Demonstrations of joy and gratitude such as those given upon Ellis' arrival were commonplace after a shift in leadership, said the Lower House, but subsequent events often dashed the hopes of the people. Not so with the Ellis administration, it concluded, as "the Event has fully answered our warmest Expectations."⁶¹

James Wright, the new governor, was greeted with caution and reserve rather than the spontaneous outpourings of joy that inaugurated Ellis' term. The reason was quite

⁶¹ The Unanimous Address of the Upper House of Assembly, 14 October 1760, *ibid.*, 16: 507-09; The Humble Address of the Commons House of Assembly, 16 October 1760, *ibid.*, 13: 428-30.

simple. After suffering for three years under Reynolds, the inhabitants viewed Ellis as their deliverer—as one who would forge a proper balance between local and imperial authority. Georgians saw Wright not as a savior, but as a caretaker. His task was to nurture the province’s progress towards self-government, begun under the guidance of his predecessor. The official welcome addresses of the Upper and Lower Houses struck a note of restrained optimism. After praising Ellis in flowery terms, the Commons tersely congratulated Wright on his new position and expressed a hope that their new leader’s “solid sense and sound Judgment” would continue to make Georgia residents “a happy and flourishing People.”⁶²

At first, Georgians did not see the contrast between Wright and Ellis, but the differences were clear in hindsight. First, the two men had widely differing personalities. Ellis won friends and supporters by using his wit and charm to his advantage. His aura of scientific detachment from politics prevented his opponents from becoming his enemies even when he ejected them from office. Wright lacked these personal qualities. Men admired his honesty, intelligence, and commitment to his duties, but even his close friends remained tellingly silent on the question of his charisma. Wright’s stiff formality and aloofness were easily—and sometimes correctly—interpreted as arrogance. When trouble flared between England and her colonies after 1765, Wright found himself poorly equipped to soothe the anger and resentment produced by the disputes. His tendency to turn policy disagreements into personal disputes made him many enemies. Noble Wimberley Jones feuded with both governors, and his response to the two men demonstrates the divergent results produced by their personalities. By the early 1770s,

⁶² Humble Address of the Commons House of Assembly, 6 November 1760, *ibid.*, 13: 439-40; Humble Address of the Upper House of Assembly, 6 November 1760, *ibid.*, 16: 517-18.

Jones thoroughly despised Wright, but he recalled Ellis with fondness. When remembering the former governor, Jones remarked that “tho he and I never agreed in politics . . . I heartily wish him well.”⁶³

In philosophy, Wright’s administration was a marked departure from the recent past. Ellis had adopted a colonial outlook when performing his duties, placing Georgia’s priorities above all. When provincial needs ran counter to his royal commission, Ellis occasionally came up with creative justifications as to why he should ignore parts of his instructions. Though a colonial himself—he was born in South Carolina and served as that province’s Attorney General from 1739-1757—Wright believed that the interests of England outweighed the needs of Georgia. A staunch defender of royal power, he expected a strict, literal adherence to every word in his commission. Innovation in government was to him unthinkable, and bordered on rebellion.

A final contrast between the two men was their attitudes towards the common Georgia citizen. Ellis showed a clear concern for the well-being of the average farmer. In 1760, he supported a law expanding the jurisdiction of courts of conscience, allowing justices of the peace to decide more cases in each community. This spared the average person the expense and inconvenience of traveling to the Savannah General Court for minor matters. The Board of Trade initially voted to reject the bill, asking that Georgia pass “more constitutional and less exceptionable regulations.” Ellis, however, successfully lobbied the Board to reconsider.⁶⁴ In contrast, Wright viewed the common person with disdain.

⁶³ Noble Wimberly Jones to Benjamin Franklin, 13 January 1773, in Leonard Woods Labaree and Whitfield J. Bell, Jr., ed., *The Papers of Benjamin Franklin* 35 vols. to date (New Haven, Conn., 1959-), 20: 24. (Hereafter *Franklin Papers*).

⁶⁴ *CRG*, 18: 372-88; *Board of Trade Journal, 1759-1763*, 202.

Only people with wealth and power mattered in his world, and under his leadership the colonial government catered to the interests of the elite. His economic plans were drafted with the advice of his Council and formulated to benefit merchants and large planters. According to Wright, these were the men that would shape Georgia's future. Government's responsibility to the common man ended with the establishment of reasonable statutes and courts to enforce compliance with them.

Despite the differences between Ellis and Wright, Georgians in the early 1760s observed only a subtle change in the tone of government rather than a change in direction. Wright acted slowly and thoughtfully on important matters, but continued many of the same policies begun by the former regime. He maintained efforts to win Indian neutrality and friendship through constant gift giving and occasional demonstrations of military power. After an appeal from both Houses of the legislature, Wright wrote his superiors in London asking them to approve the 1760 paper money act then under consideration. He thought such colonial currency detrimental to trade in the commonwealth as a whole, but saw no way for Georgia's economy to function without this necessary medium of exchange.⁶⁵ Had they not occasionally glanced up from their account books, merchants such as Thomas Rasberry might not have noticed the change in governors.

The new governor's main economic priorities were commercial and territorial expansion. In both areas, Wright achieved stunning successes during the years leading up to the Revolution. Agricultural production and marketing grew at exponential rates,

⁶⁵ James Wright to the Board of Trade, 23 December 1760, *CRG* 28 part 1: 298; James Wright to the Board of Trade, 15 April 1761, *ibid.*, 28 part 1: 308; Humble Address of Both Houses of Assembly, 13 April 1761, *ibid.*, 16: 550.

leading to the creation of a second major port of entry at Sunbury. By the end of 1764, Georgia's annual exports equaled those for the entire 1756-60 period. More trade meant more immigrants, and Georgia saw its population double once again by 1773 to 33,000 inhabitants. To provide land for the new arrivals, Wright employed his superior negotiating skills to pry land away from the Creek Indians. In 1763, Native tribes ceded 2.4 million acres to Georgia. A decade later, in 1773, Wright negotiated the cession of an additional 2.1 million acres of Indian territory. Because of these acquisitions, Georgia inhabitants never experienced serious shortages in the amount of good lands available by grant or by sale.⁶⁶ Wright had a very personal stake in Georgia's growth. With 25,000 acres of plantations worked by 523 slaves, the governor was probably the colony's richest citizen in the 1770s. His commitment to local economic growth gave many inhabitants the mistaken notion that the governor also supported local authority.

Wright viewed the Council as his main partner in government, and came to rely upon its members almost exclusively when formulating policy, appointing officials, and executing royal commands. The governor and councilors were first and foremost agents of the Crown, and Wright understood that this common interest made them firm allies. During the next twenty-two years of his administration, from 1760 to 1782, the governor and Council enjoyed a relationship remarkably free from tension. The few disputes that did occur were transitory in nature, and usually with specific insubordinate individuals rather than with the board as a whole. Only an abandonment of the King's interest, which happened to Jonathan Bryan in the late 1760s, could cause Wright to take action against individual councilors. In the overwhelming majority of cases, he was fiercely

⁶⁶ Coleman, *Colonial Georgia*, 207, 262.

loyal to his political allies, defending them against all charges regardless of the merit of such accusations.

Governor Wright's feelings towards the Commons House were ambivalent before 1765. He accepted the Assembly's right to exist, but did not cultivate or desire close ties with the institution's leaders. Prior to 1765, exchanges between governor and Assembly were formal and respectful, but not friendly. Wright and Lower House leaders held very different conceptions of the ideal balance between imperial and local authority. The governor thought the Assembly should occupy a passive role in colonial government, endorsing or rejecting the policies initiated by himself and his Council. He considered the Lower House too beholden to popular opinion and therefore insufficiently committed to upholding the royal prerogative. This view is nearly the reverse of the Commons' belief that it, acting as the only representative body in Georgia, had a right to a full share of power with the governor and Council in colonial administration. Local authority was the best guarantee of liberty, and the most trustworthy defenders of both were those elected by the people. Only the Assembly could guard against the exercise of unreasonable power. It was, as William Little phrased it, the resort of liberty.

These opposing views would cause trouble after 1765, but did not during the early years of the Wright era. The governor treated Assemblymen as mature political figures fully capable of acting with only minor supervision from him. He allowed the Lower House to operate with minimal interference so long as representatives demonstrated their subservience to the royal power. The Assembly took advantage of this *lassiez-faire* attitude to establish and define its institutional boundaries. This involved the Lower House solidifying and elaborating upon the ties between property and authority, the bond

between representatives and the people, the process of electing members, and the rules governing internal House procedures.

In their daily lives, Georgians experienced a variety of power and property relationships. Some of these existed at the household level, where masters exercised control over their slaves. In the 1750s, white inhabitants began to assert their authority over blacks in a more systematic and public fashion. The Assembly enacted the first royal slave code in 1755, followed by a harsher version in 1770. These laws stipulated punishments for numerous types of black behavior considered dangerous by white slave owners. The codes also, according to historian Betty Wood, made all whites “legally bound to assist in the supervision of Georgia’s blacks.” A 1757 statute instituted regular patrols to search slave houses for contraband, prevent illegal gatherings, and capture any slaves off their plantations without permission.⁶⁷ At the same time colonists asserted their right to local authority in their dealings with the mother country, they also affirmed control over their property.

The Assembly’s claim to exercise authority on behalf of the people rested on the relationship between representatives and freeholders. Since only wealthy merchants and planters had the leisure to accept such an unpaid civic duty, the social bonds between electors and elected were inherently unequal. Colonial elites in Georgia, as in other colonies, filled a vital role as an economic focal point for surrounding small farmers. Rich planters could provide the necessary credit that yeomen needed to survive from planting season to harvest. Some members of the elite like Jonathan Bryan cultivated

⁶⁷ Wood, *Slavery in Colonial Georgia*, 110-130, quote on 115. The Trustees drafted a slave code before they surrendered their charter, but it dealt largely with limitations on the acquisition and use of slaves rather than the regulation of slave behavior. See *ibid.*, 81-86.

these patron-client debt relationships to further their political careers as well as those of their friends and family. In return for the capital he received, the freeholder was expected to put his voice and vote at the planter's disposal.⁶⁸

In 1761, the Assembly again passed comprehensive election rules for the colony, which this time met with royal approval.⁶⁹ Learning from previous experience, the representatives limited the measure to the issuing of writs, the collection of votes, and the reporting of returns. Gone were the controversial constituency and frequency provisions that prompted royal rejection in 1759. The 1761 statute did not radically reform the election process, but it did establish the Assembly's role in overseeing elections. The law repeated the age, color, and property limitations for electors and candidates found in the governor's commission, thus making them requirements established by the people of Georgia rather than the Crown. To emphasize this authority, the final section of the bill stated that while the governor retained the right to adjourn or dissolve the House, only the Commons possessed "the Right to Judge and determine . . . the Qualification of any Member or Members of that House."⁷⁰

By the early 1760s, the patterns of Georgia electoral politics had been established. The events surrounding each Assembly election reinforced the societal bonds between voters and candidates.⁷¹ The main forum for electioneering was not the newspaper

⁶⁸ For Bryan's use of these relationships, see Gallay, *Formation of a Planter Elite*, 79-83.

⁶⁹ An Act to ascertain the manner and form of electing Members to represent the Inhabitants of this Province in the Commons House of Assembly, *CRG*, 18: 464-72.

⁷⁰ *Ibid.*, 18: 471.

⁷¹ Colonial voting practices and political culture has attracted a great deal of scholarship, much of it focused on Virginia. The Georgia experience is very similar to those described in Charles Sydnor, *Gentlemen Freeholders: Political Practices in Washington's Virginia* (Chapel Hill, 1952); Robert J. Dinkin, *Voting in Provincial America: a Study of Elections in the Thirteen Colonies, 1689-1776* (Westport, Conn., 1977);

(Georgia had none until 1763), but the wall of the local watch house. Gentlemen usually declared their candidacy for the Assembly by posting a written notice, along with some explanation of their fitness for the office. Other candidates would follow with their own leaflets, perhaps including subtle criticisms of those already declared. In effect, the walls of the watch house became a political debate forum.

In the campaign of 1760, for example, Lewis Johnson began the race by posting “a long advertisement of Letters wherein he (in very suitable terms) desires the Freeholders Votes.” As Johnson possessed close ties to the governor and Council, it left him open to charges that he could not appropriately represent the people. Accordingly, Alexander Wyllly presented himself as more qualified for a seat by stressing his independence, and declaring “that no Man can serve 2 masters,” meaning Crown and people. Peter Barker then gently attacked both Johnson and Wyllly by writing that “the man who has no Court Influences my have his own private views & party piques which may be as destructive to the Common Weal.” While it was ungentlemanly for a candidate to campaign for himself, he often engaged friends to speak to voters on his behalf.⁷²

Both during and between elections, the walls of public buildings gave discontented citizens a public forum for political criticism. Oftentimes these postings were satirical or mocking in tone. In 1761 and 1762, Governor Wright and Chief Justice William Grover engaged in a bitter feud over the latter’s performance in office. Shortly after Wright

Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill, 1982); John G. Kolp, *Gentlemen and Freeholders: Electoral Politics in Colonial Virginia* (Baltimore, 1998). Isaac sees electioneering as reinforcing the static, hierarchical plantation order, but Kolp sees the process as a serious exchange between voters and representatives, with the latter very conscious of the need to represent their constituencies’ best interests. Kolp’s conclusions for America fall in line with those from an analysis of voting in England during the same period, Frank O’Gorman, *Voters, Patrons, and Parties: the Unreformed Electorate of Hanoverian England, 1734-1832* (Oxford, 1989).

⁷² Noble Jones to Noble Wimberly Jones, 24 July 1760, *CGHS*, 17: 6-7.

suspended the Chief Justice from his judicial post and his Council seat, a Grover supporter posted a “doggerel” mocking the governor’s elitism, arrogance, and his unwillingness to allow any dissent in Council meetings:

To Climates so Sultry!
 It is not ambition alone does invite,
 but Power & Riches both equal delight;
 For what makes all Doctrines most Plainly appear,
 it cannot be less ---- than a thousand a year.
 a Council Submissive attend on my Nod,
 or if Fractious they Prove, I’ll suspend them by G-d.
 Hoc voles my Motto, sic Voles my Rule,
 Now damn you W-ll G----r who says I’m a Fool.⁷³

During the 1760 Assembly election campaign, an anonymous wit put up a broadside next to the candidates’ announcements. The piece humorously critiqued the dominance of certain families enjoyed in the colonial government. In this instance, the target was the Jones family. Noble Jones was one of the senior councilors, and his son Noble Wimberly was a leading member in the Commons. Cousins and in-laws held a variety of lesser provincial offices. Using the pen name “An Old Stander,” the author recommended “Miss Mary Jones as a Candidate that she will stick by the old Standers as all her family have done.”⁷⁴

As in other American colonies, the rituals of election day served as a public display of each voter’s deference to his social superiors. Polling normally took place over a span of two days. From nine in the morning until six at night, a returns officer and the candidates waited for freeholders to arrive at the polling location and indicate their preferences.

⁷³ Poem entitled “A Libel,” posted 17 November 1762, *CRG*, 28 part 1: 403-04. The “thousand a year” refers to Wright’s annual salary. The penultimate line translates roughly as “‘Want this’ my Motto, ‘want thus’ my Rule.”

⁷⁴ Noble Jones to Noble Wimberly Jones, 24 July 1760, *CGHS*, 17: 7.

Each voter approached the officer, gave his name, and pronounced his voice vote. After confirming the vote by repeating it aloud to the candidates, the returning officer recording the voter's name in a ledger under the name of his selection. Elites could see every freeholder's choice, which placed strong pressure on debtors to vote in the manner expected of them by their creditors.⁷⁵

With the processes of election days set, the Assembly also moved to establish its institutional independence in 1760 by drafting its first formal set of internal bylaws to govern the behavior of members. While the vast majority of these covered routine matters such as how to make motions or the etiquette used in addressing colleagues, two rules asserted the Assembly's authority over the Speaker and the Clerk—the only two House officers either selected or approved by the governor. According to the new rules, the Clerk, named directly by the governor, could not enter any resolution or order into the minutes until first obtaining permission from the representatives present. The Speaker, whom the governor had the right to reject, was forbidden to “adjourn the House or do anything else as the Mouth of the House without the Consent of the House first had.”⁷⁶ Thus did the Lower House move to prevent a recurrence of the difficulties endured under John Reynolds a few years before.⁷⁷

Flush with a newly invigorating sense of its own importance, the Georgia Assembly in 1762 continued its efforts to obtain the same powers enjoyed by legislatures in other British colonies. Colonial agent Benjamin Martyn had been named by the Board of

⁷⁵ *CRG*, 18: 466.

⁷⁶ *Ibid.*, 13: 423, 425.

⁷⁷ John P. Corry has elaborated upon internal House procedures in “Procedure in the Commons House of Assembly,” *Georgia Historical Quarterly* 13(1929): 110-27.

Trade rather than the Georgia Commons, a state of affairs unacceptable to many representatives. The Assembly had protested Martyn's role in the 1757 pro-Reynolds representation, but had taken no action against him. Henry Knox, who arrived that same year as Ellis's protégé, soon resurrected the issue. Knox did not take to life in America. He preferred the bustling excitement of London to the slow tedium of Savannah. He longed for a colonial position that would earn him a steady income, yet allow him to return to England. For him, the ideal solution was obtaining an appointment as Georgia's London agent.

In early 1760, Knox informed a friend that "the agency for this province is the thing of all the world that I wish for."⁷⁸ Governor Ellis, however, was at that time still busy trying to heal the wounds left behind by Reynolds, and absolutely forbade his understudy to even raise such a potentially divisive issue. Ellis' departure in late 1760 left Knox free to act on his desires. He understood that the appointment of an agent had to get the approval of the Council and governor as well as the Commons. Knowing the affection that some councilors had for Martyn, Knox gently suggested that the former Trust Secretary's advanced age and failing health made him physically incapable of performing his duties. He suggested that the Assembly name him the joint or assistant agent, allowing Martyn to keep his salary and his honorary title while passing along to Knox the authority to represent the province.⁷⁹

⁷⁸ William Knox to Governor Lyttelton, 5 March 1760, Knox papers. Lyttelton was the former Governor of South Carolina before becoming Governor of Jamaica.

⁷⁹ Ibid.

On 12 December 1761, the Commons passed an ordinance nominating Knox as their assistant agent to “sollicit the Affairs of this Province in Great Britain” for a term of one year, to which the Upper House and Wright gave their assent.⁸⁰ In May 1764, the transfer from Martyn to Knox was completed when the Board of Trade ruled that the former could no longer legally represent Georgia’s interests in England.⁸¹ The Lower and Upper Houses established a twelve member Committee of Correspondence to communicate with Knox in London. Five councilors and seven Commons representatives sat on the board, giving the popularly elected officials a majority when deciding upon instructions. However, the rules of the committee reflected the Upper House’s concern over royal authority. The statute required that seven men be present to conduct business, and that two must be members of the Council. The effect was that the councilors could block any improper instructions by withdrawing from a meeting *en masse*.⁸² While Commons established its right to nominate the colonial agent, it had not yet gained full control over his actions.

Historians often identify 1763 as the beginning of the Revolutionary era, and for good reason. The Seven Years War prompted major changes in the relationship between mother country and colonies. While England succeeded in wresting away most of France’s colonial possessions, the British government also managed to accumulate a crushing war debt of approximately £140 million. Interest payments on the debt alone consumed over one-half of the peacetime budget. Taxes at home were high enough

⁸⁰ CRG, 13: 627-29; *ibid.*, 16: 656, 673.

⁸¹ Board of Trade to James Wright, 29 May 1764, *MsCRG*, 34: 542-43.

⁸² An Ordinance for the appointing the Honorable William Knox Esquire Agent Assistant to Sollicit the Affairs of this Province in Great Britain, *CRG*, 18: 481-83.

already that Parliament recoiled at the thought of English taxpayers shouldering the entire financial burden of paying down the debt and maintaining military garrisons in North America. Noting that colonials paid relatively few taxes compared with their counterparts in England, British officials decided to make Americans pay a portion of the costs involved in governing the empire.

Authorities in London slowly unveiled the broad outlines of the new imperial plan beginning in 1763. The first step in limiting military spending was the achievement of a lasting peace. The outbreak of the expensive Pontiac Rebellion (1763-1766) helped emphasize the need for good relations with Indian tribes in America.⁸³ Accordingly, the British Government issued the Proclamation of 1763, forbidding white settlement west of the Appalachian Mountain chain. The goal was to prevent hostilities between whites and Natives by keeping the two separated. Most colonists—particularly those living north of the Carolinas—resented the proclamation since it sharply curtailed the possibilities for future expansion and settlement.

In an attempt to bolster the mother country's economic stability, Parliament enacted the Currency Act of 1764. This prohibited the issuance of legal tender paper notes in the colonies. Most provincial bills greatly depreciated in value after their printing, and British merchants resented colonials who paid off debts using nearly worthless currency. Unfortunately for the English government, this new restriction coincided with a widespread postwar recession in America. Some disillusioned colonists believed that the Currency Act was a deliberate attempt to restrain colonial economic development so that London merchants could grow richer.

⁸³ The classic account of Pontiac's war is Howard H. Peckham, *Pontiac and the Indian Uprising* (Princeton, N.J., 1947).

To help pay for the troops needed to garrison the American frontier, Parliament also passed an American Revenue Act in 1764, often referred to as the Sugar Act. The law revised the import duties on several items including molasses. London officials unrealistically hoped that the law would bring in £45,000 of the estimated £300,000 annual cost of colonial defense. Merchants had evaded previous duties by bribing customs officers, but new enforcement provisions would make smuggling a more difficult and costly enterprise. Violators of the Sugar Act would be tried without juries in vice-admiralty courts, which caused settlers to accuse English authorities of taking away the fundamental liberty of trial by jury.

The overall colonial response to these three developments was mild compared to the anger later unleashed against the Stamp Act. In Georgia, that contrast was greater still. How did the Proclamation of 1763 affect Georgians? The colony contained just 10,000 inhabitants at the time, and had few non-coastal settlements. In addition, the province had just acquired 2.4 million acres from the Creeks and was in no danger of running out of fertile land in the near future. The Sugar Act's effects were felt most keenly in the northern colonies, so Georgians initially took scant notice of its passage. The Currency Act elicited no outrage in the province, either, until a paper money bill met with royal disapproval in 1767.

Georgia in 1763 and 1764 was too deeply engaged in a territorial struggle against South Carolina to worry about more distant developments. The disputed land claimed by both provinces lay between the Altamaha river and Florida, and the controversy was of long standing. In 1735, the Trustees had caught wind of South Carolina's intention of "running out of land or granting land Southward of the Allatahama River." The move

was almost certainly in retaliation for Georgia's exclusionary rum and Indian trade laws. Having the settlement surrounded by South Carolina on two sides was beyond the worst-case scenarios envisioned by the Trustees, so they successfully petitioned the King to "forbid the Carolinians to take up the new grants there."⁸⁴

The land issue simmered during the early years of royal rule. When Edmund Gray and his followers moved into the territory in 1755, some South Carolinians mistakenly suspected that he was part of a covert Georgia plan to establish a legal claim by virtue of occupation. In fact, Governors Reynolds and Ellis earnestly wanted Gray removed from the region lest his presence provoke the Spanish—who considered the land theirs—into a war.⁸⁵ In 1758, Secretary of State William Pitt delayed settlement of the question for the duration of the current war by ordering both colonies to block any settlement in the disputed region.⁸⁶ This command, though, did not stop Georgia's complaints. In 1759, Ellis wrote to Pitt about Carolina's continued claims and the "impropriety of this State of things." Governor Wright's first substantive report from Georgia asked the King to "declare that all his Territories & Dominions to the Southward of the River Altamaha shall be a Part of this Province." In early 1763, the Georgia Committee of Correspondence instructed Knox to "solicit the extension of the bounds of this Province to include St. Augustine, if ceded to great Britain on the conclusion of a Peace."⁸⁷ This

⁸⁴ *Egmont Journal*, 117-18.

⁸⁵ Hamer, "Edmund Gray and New Hanover," *passim*.

⁸⁶ Chesnutt, *South Carolina's Expansion*, 176.

⁸⁷ Henry Ellis to William Pitt, 12 February 1759, *CRG*, 28 part 1: 184-85; James Wright to the Board of Trade, 23 December 1760, *ibid.*, 28 part 1: 294; Committee of Correspondence to William Knox, 16 March 1763, in Lilla M. Hawes, ed., "Letters to the Georgia Colonial Agent, July, 1762 to January, 1771," *Georgia Historical Quarterly* 36(1952): 250-86. (Hereafter "Colonial agent letters").

would not only secure the disputed territory, but also give Georgia a bragging advantage over its neighbor. Had this request been granted, Georgia would finally have accomplished what South Carolina could not—the conquest of St. Augustine.

As the Seven Years War drew to a close, the long-smoldering disagreement finally ignited into a blazing conflagration. In late March 1763, Governor Thomas Boone of South Carolina announced that on the next land day, he would accept petitions for land grants to the south of the Altamaha River. Georgians ascribed the worst possible motives to Boone's action, declaring it "a design Calculated to promote the private advantage of a few leading men to the manifest injury of this Province . . . and that not one good purpose can possibly derive therefrom to the Public in General." The sole purpose of the "precipitate and premature Step" was to exercise South Carolina's claim on the land before it could be annexed to Georgia. That way, the other province's elites could obtain the land for speculation purposes without being bound by Georgia's occupation and cultivation requirements.⁸⁸ Experienced observers of the often unsteady relationship between the neighboring provinces anticipated this development. Former Carolina Governor William Henry Lyttleton expressed his sorrow "that any disputes should have arisen," but admitted that due to the "undecided state of the Boundary of South Carolina, I am not surprised that such a discussion should have happen'd."⁸⁹

Carolina based its legal claim to the land on the 1662 and 1665 proprietary charters that unilaterally expanded English territory to the 29th parallel, which technically included St. Augustine. Carolinians longed to exploit this area now that the Spanish had

⁸⁸ Committee of Correspondence to William Knox, 6 April 1763, "Colonial agent letters," 257-58.

⁸⁹ William Henry Lyttleton to John Hume Esq., 30 July 1763, William Henry Lyttleton letter book, 1763-1766, William B. Hamilton Collection, Duke University Library.

been ejected from Florida. Georgia felt that the royal takeover of Carolina in 1729 had annulled all previous charters, meaning that the land reverted to the Crown. It was now the King's to dispose of as he saw fit—and the fittest solution was to give it to Georgia. To Georgia, though, this was much more than a squabble over land. The colony's autonomy and authority depended upon the result. As Wright wrote to England, it was an attempt to deliver a “death wound or destruction by . . . an Extraordinary Stretch of Power by the Governor of Carolina.”⁹⁰ If South Carolina managed to surround its weaker neighbor—thus preventing it from ever expanding—Georgia might never escape domination by the older settlement. This was an attack on the province's authority to determine its own future, and had to be resisted at all costs.

Both Georgia legislative Houses ordered Knox to “use his utmost Endeavours and most strenuous Efforts” in England to put a halt to the proceedings in Charleston.⁹¹ In the meantime, Governor Wright sent a strongly worded protest to Boone, denouncing his actions as “highly improper and contrary to his Majesty's Intention.” Carolina's governor was unmoved by the words and “absolutely refused to accept, receive, or peruse” the document. He reacted in April 1763 by issuing warrants of survey for 343,000 acres in the disputed territory. Wright could do nothing but continue to rage against the injustice done to Georgia and hope for royal intervention.⁹²

Knox took the controversy to the Board of Trade on 27 May 1763, immediately after receiving his instructions to put a halt to the Carolina effort. At first, the Board sided

⁹⁰ James Wright to the Board of Trade, 20 April 1763, *CRG*, 28 part 1: 408.

⁹¹ *Ibid.*, 17: 51-52; *ibid.*, 14: 59.

⁹² *Ibid.*, 9: 41-44; James Wright to the Board of Trade, 20 April 1763, *ibid.*, 28 part 1: 408; *Georgia Gazette*, 21 April 1763.

with Georgia. The Lords of Trade ordered Boone to cease issuing land grants in the disputed area, and assured Wright that they would seek the annulment of those already made. By the time this order reached Charleston in August 1763, however, Boone had already officially distributed to South Carolinians 90,000 acres of the most fertile land between Georgia and St. Augustine.⁹³

The Crown did attach the disputed area to Georgia, but months passed with no royal action on the Carolina landholdings. Wright and the Assembly correctly suspected that the Board of Trade had backed away from its previous pledge to overturn the Carolina grants. The Georgia legislature then sought a proper method to either invalidate the grants itself, or at the very least force the grantees to submit to Georgia law. This effort began by asking the Crown about the legality of a “provincial law, obliging the holders to conform thereunto, or in case of nonresidence to oblige them to be of use to the Province either by an extraordinary taxation or some other Method.”⁹⁴ If the Carolinians stayed, they would do so on Georgia’s terms. The Crown gave its blessing for any “reasonable” law forcing Carolina landholders to either cultivate their lands in the disputed territory or surrender them.⁹⁵ With this authority in hand, Wright and the legislature in early 1765 enacted a statute entitled “An Act for the better strengthening and settling this province.” It required the grantees to have all of their grants resurveyed by Georgia officials and re-registered in Savannah. The Carolina inhabitants would then have to obey all land tenure

⁹³ *Board of Trade Journal, 1759 to 1763*, 366-67; Board of Trade to Wright, 30 September 1763, *MsCRG*, 34: 533-35; *Georgia Gazette*, 25 August 1763.

⁹⁴ Committee of Correspondence to William Knox, 24 November 1763, “Colonial agent letters,” 263; James Wright to the Board of Trade, 5 July 1764, *CRG*, 28 part 2: 38.

⁹⁵ Board of Trade to James Wright, 12 July 1764, *MsCRG*, 34: 548-50; James Wright to the Board of Trade, 4 April 1765, *CRG*, 28 part 2: 78.

restrictions placed upon the properties. If any claimants failed to comply with the provisions within six months of the law gaining royal assent (as Georgians hoped), their grants would be voided.⁹⁶

Predictably, South Carolina ordered its agent in England, Charles Garth, to either block or defeat the Georgia statute. Garth proved to be a highly effective lobbyist and, by 1766, he could report to Charleston that the Board of Trade had indefinitely delayed consideration of the land grant law. Appeals from Wright finally forced a hearing on the bill, which the Crown disallowed in 1767 as too prejudicial against the grantees. Instead, the Board of Trade feebly suggested the creation of a special colonial court to determine the validity of the South Carolina claims.⁹⁷ By the time these directions reached America, events had pushed the land controversy far into the background. The colonies were outraged at Parliamentary efforts to tax them without the consent of their respective Assemblies and could spare little time on trivial side pursuits. The question of ownership of the 90,000 acres remained unsettled for the remainder of the colonial period.⁹⁸

In early 1765, though, Georgia believed that passage of the Settling Act had ended the conflict with South Carolina. All was right with the world. The recent intercolonial disputes united Governor, Council, and Assembly, and all believed that they had both justice and the Crown behind them. The colonial government functioned with harmony and unanimity because, for the time being, Georgia's best interests appeared to coincide with England's best interests. Local authority and imperial authority complimented each

⁹⁶ Ibid., 18: 27-36.

⁹⁷ James Wright to the Board of Trade, 18 October 1765, *ibid.*, 28 part 2: 128-29; Order of the Lords in Council for Plantation Affairs, 30 June 1767, *ibid.*, 28 part 2: 233-35.

⁹⁸ For a discussion of the controversy from a perspective of geography, see Louis De Vorsey, Jr., *The Georgia—South Carolina Boundary: a Problem in Historical Geography* (Athens, Ga., 1982).

other. That perception would not survive for long. By the end of the same year, Georgia inhabitants would charge Parliament with savagely assaulting provincial authority and colonial liberties.

CHAPTER SIX RESISTANCE, REBELLION, AND REVOLUTION, 1765-1776

Historians have often remarked on Georgia's tardiness in entering the revolutionary struggle that broke America away from England's grasp. There is an imposing list of events from 1763-1776 to which the province reacted slowly or not at all. As noted already, the Proclamation of 1763, the Currency Act, and the Sugar Act raised little concern. The Georgia Lower House would join three other colonies in sitting out the Stamp Act Congress in 1765. When colonial protestors summoned what became known as the First Continental Congress, it included delegates from only twelve provinces—Georgia stayed away. Savannah merchants violated colonial nonimportation agreements with relative impunity. The Second Continental Congress convened in 1775 once again minus any Georgia representatives. When Dr. Lyman Hall arrived, he initially declined to vote because he had been chosen by the radical leaders of only one coastal parish, not

by the provincial government. He could not in conscience claim to represent the will of the Georgia citizenry as a whole.

In 1776, though, Georgia did side with her American sisters against the might of the British empire. She declared independence, sent soldiers to the Continental army to fight and die alongside Virginians, Marylanders, New Yorkers, and Pennsylvanians. The colony's endorsement of the Declaration of Independence led to a lengthy and bitter military occupation by the British army. Despite this defeat, most Georgia residents remained committed to the American cause and continued to resist the forces of George III until the war ended in 1783. Over the intervening two centuries, scholars have offered two main theories to explain Georgia's sluggish activities leading up to independence: the "infancy" and "scissors" theses.

The two most extensive and thoughtful studies of Georgia in the revolutionary era—by Kenneth Coleman and W. W. Abbot—both subscribe in large part to the "infancy" theory, and theirs remains the most common historical interpretation. The two authors stress the province's weakness in the decades prior to 1776. Though Georgia made much economic and social progress after 1754, its development lagged far behind that of older neighbors. Backcountry farmers and Indian traders were absolutely dependent upon British diplomacy and military might to keep them safe against native attacks. Faced with close to a 1:1 slave to free ratio, residents feared that serious conflict within white society might spark slave rebellions. Those few planters who felt secure were often far too concerned with the pursuit of land and profit to care much about abstract constitutional issues. In short, Georgia during the late 1760s and early 1770s had not developed the sort of mature political consciousness that could sustain a revolutionary

effort. Instead, inhabitants had to be forced towards independence by the course of events in North America and England.

Accepting this view of Georgia as a helpless and passive infant colony helps explain why so many of its citizens apparently switched sides between 1765 and 1776—it is an indication of ideological and political immaturity. Leaders in the Sons of Liberty prior to 1776, both John J. Zubly and Alexander Wyly eventually sided with their King when the United States declared independence. John Adam Treutlen and Joseph Clay were significant rebel leaders during the Revolution, but up until the 1774 Coercive Acts they had been unwavering in their support for royal and Parliamentary supremacy. Treutlen and Clay did not act out of principle, writes historian Allan Galloway, “otherwise they would have stood up for American rights long before.” Such men supported either the loyalists or patriots, he concludes, largely because of a cynical calculation that their chosen side would prevail.¹

The most extreme advocates of the infancy argument suggest that Georgia might have stayed loyal to the King if royal officials had successfully neutralized activists from other American colonies, particularly “Liberty Boys” from South Carolina.² Governor Wright certainly offered this exact opinion in 1767 when he complained that too many impressionable people chose “to follow the Example & Advice of Some of their Republican Spirited Neighbours.” If imperial authorities would just help him take action against outside agitators, he pleaded, the people would obey both King and Parliament

¹ Galloway, *Formation of a Planter Elite*, 124.

² Certainly the ties between the two neighbors were close. See Francis Harrold, “Colonial Siblings: Georgia’s Relationship with South Carolina During the Pre-Revolutionary Period,” *Georgia Historical Quarterly* 73(1989): 707-44. However, that does not mean that Georgia relied entirely upon South Carolina for its revolutionary movement.

without any hint of insubordination.³ Historian S. F. Roach sounded the same note two centuries later when he concluded that opposition to England was weak in Georgia because it, “unlike many of the other colonies, possessed no continuing patriot organization during the pre-revolutionary years.”⁴

In the second half of the twentieth century, two writers in particular have offered an alternative explanation of Georgia’s involvement in the American Revolution. Harold Davis framed it in terms of a metaphor: a pair of scissors with opened blades. One blade represented expanding colonial self-government under England’s early eighteenth century policy of “salutary neglect.”⁵ The second blade symbolized increasing imperial regulations after 1763. When the two blades met, Davis argued, the resulting force irreparably sheared Georgia’s attachment to England. Jack P. Greene has also argued forcefully that inhabitants of the young settlement did achieve a coherent political identity. According to Greene, Georgia joined the Revolution because its collective sense of equality with other colonies demanded that its citizens—just as did other Americans—“put all the prosperity they had gained at risk in behalf of the liberty they claimed as Britons.” Historians have long applied similar arguments to explain independence movements in all of the other twelve revolting colonies. Davis and Greene downplayed

³ James Wright to the Board of Trade, 15 June 1767, *CRG*, 28 part 2: 227.

⁴ S. F. Roach, Jr., “The Georgia Gazette and the Stamp Act: A Reconsideration,” *Georgia Historical Quarterly* 55(1971): 486.

⁵ The most pertinent statement of this is James Henretta, “*Salutary Neglect*”: *Colonial Administration Under the Duke of Newcastle* (Princeton, 1972).

the province's uniqueness, emphasizing the similarities between revolutionary activities in Georgia and in the rest of British America.⁶

Though they both have some explanatory power, the infancy and scissors theses require historians to overlook part of the historical record. The infancy thesis ignores a tradition of protest that dates back to the colony's founding. During the Trustee period, malcontents objected that Trustee regulations abridged their liberties. When citizens accused Governor Reynolds of the same offense, colonial petitions led to his recall. It should not, then, come as any surprise that Georgia was among the first provinces to establish a branch of the Sons of Liberty, devoted to preserving local self-government and liberty against Parliament's claims to excessive authority over the colonies.⁷

The scissors thesis overemphasizes the applicability of "salutary neglect" to the Georgia experience. During the settlement's first two decades, the Trustees strove to keep all power in London and out of the settlers' hands. Governors Reynolds and Ellis then served during a time when the Board of Trade, under the guidance of the Earl of Halifax, was tightening royal control over American governments. From 1763, the Georgia-South Carolina land dispute drew frequent attention from London. When, then, did Georgians experience salutary neglect?

Too often historians view 1776 as an inevitable endpoint for colonial development. It is impossible to entirely avoid such a mindset since researchers cannot forget that

⁶ Harold E. Davis, "The Scissors Thesis, or Frustrated Expectations as a Cause of The Revolution in Georgia," *Georgia Historical Quarterly* 61(1977): 246-57; Jack P. Greene, "Travails of an Infant Colony: The Search for Viability, Coherence, and Identity in Colonial Georgia," in Jackson and Spalding, ed., *Forty Years of Diversity*, 303. Greene's emphasis on Georgia's entry into the mainstream fits his thesis in *Pursuits of Happiness* that British colonies in the eighteenth century "converged" and became more alike.

⁷ Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York, 1972)

Americans declared their independence that July. Giving into the urge, however, can obscure as much as enlighten. Whenever a scholar notes a lack of radicalism “as late as 1773,” it begs the question: late according to whom? Neither 1773 nor any other year was considered “late” to historical actors, nor “early” for that matter. Viewing each historical development as just one step in an ongoing relationship between Georgia and England—as did contemporaries—helps explain both the colony’s reluctance to join the independence movement and its eventual embrace of the American cause.

Though religion and the Anglican Church were important to political factionalism in several other colonies, religion had little place in Georgia colonial politics.⁸ From its inception, the province has a wide array of religious groups who coexisted without serious conflict: German Lutherans, Scotch Presbyterians, English Anglicans, Methodists, Quakers, and Jews. The sermons of famous religious reformers such as John Wesley and George Whitefield were met with indifference. The Church of England was established late in the settlement’s existence (1758), and never gained much institutional strength. While Georgia followed the other rebelling states in disestablishing the Church in 1777, the action was part of a wider trend of removing imperial vestiges rather than a specific attack upon Anglicanism by dissenters.⁹ The American Revolution in Georgia was largely a secular affair.

Georgia’s political and ideological history from 1732 to 1775 is best understood as a series of individual and collective judgments about the colony’s evolutionary progress.

⁸ See Isaac, *Transformation of Virginia*; Patricia U. Bonomi, *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America* (New York, 1986). Recently, J. C. D. Clark has emphasized the central social and political roles of religion and the Church of England. See his *English Society: Ideology, Social Structure, and Political Practice during the Ancien Regime* (Cambridge, 1985). He has more recently extended the same argument to the Americas in *The Language of Liberty, 1660-1832: Political Discourse and Social Dynamics in the Anglo-American World* (Cambridge, 1994).

⁹ Davis, *Fledgling Province*, 193-232.

Though political ideals were often vaguely understood and expressed before 1765, it is still possible to make collective generalizations. Most colonists believed that the best guarantee of liberty lay in the existence of a broad and vibrant local authority which could defend provincial interests against arbitrary measures dreamed up an ocean away. Most Georgians felt that the proper balance of power between province and mother country had not yet been realized by 1765, but inhabitants did expect further evolution towards that ideal relationship.

As the newest British plantation, Georgia had further to travel to reach maturity than did older neighbors. During its first three decades, the province made clear strides towards acquiring greater local authority through a combination of petitions, protests, and propaganda. Prior to 1765, there existed a widespread expectation that the process would continue until the ideal balance of authority between the mother country and province was achieved. After 1765, actions taken in London shook, but did not initially destroy, this confidence in future progress. Though the new laws were unwelcome, some residents might have compared the Stamp Act and Townshend Acts favorably to even more oppressive Trustee regulations. Constitutional disputes over the extent of the Lower House's autonomy paled in comparison to the absence of *any* public participation in Trustee government.

Georgia's political factions before and after the mid-1770s differed immensely. Before then, even Georgians who opposed taxation by Parliament considered themselves loyal subjects of George III. Loyalist observers felt that the ideal balance between local and London authority already existed, and that colonists could obtain redress without dangerous innovations in the imperial relationship. Others saw Parliamentary measures

as evidence that local authority was insufficient to guarantee liberty, and therefore more power should shift from England to Georgia. These individuals joined the patriot movement. Pre-revolutionary patriots and loyalists sought to manipulate the existing system to achieve their goals, disagreeing mainly over the proper methods to use—not over the desired result.

A person's previous patriot or loyalist affiliation was sometimes a poor predictor of allegiance during the war. Georgia's revolutionary divisions resulted from a series of individual decisions about the tension between liberty and authority. If an individual concluded that progress towards local authority was no longer possible under British rule, he became a rebel. A few staunch loyalists like Treutlen and Clay did not reach that conclusion until after 1773, when they joined the movement to topple imperial authority in the name of American liberty. Those who believed that progress was still possible within the existing order became loyalists. Leading Sons of Liberty like Zubly and Wylly never lost hope, and therefore maintained their allegiance to England.

The first step in Georgia's disillusionment with the British colonial system was Parliament's March 1765 passage of the Stamp Act. Such a law had long been rumored, and the home government felt that some type of revenue measure was absolutely necessary to defray the costs of defending America. Leading minister George Grenville in 1764 had asked colonials to offer an alternative for raising money, but received no suggestions. English authorities gave little thought to the propriety of the law, but colonists saw it as a dangerous and unwelcome innovation. Due to take effect on 1 November 1765, the law required that all legal documents, newspapers, almanacs, sermons, licenses, and playing cards be printed only on dutied and stamped paper.

Offenders could be tried in Vice-Admiralty courts without a jury. Since nearly all inhabitants made use of the legal system at some point in their lives, the stamp duty affected all ranks of society.¹⁰

Georgians could follow other American reactions against the Stamp Act in the pages of James Johnston's *Georgia Gazette*. It reprinted without comment summaries of Parliamentary debates over the Stamp Act which were designed to portray British ministers in negative light. It also reproduced various political writings from other provinces protesting against taxation levied without the consent of legally elected representatives in the various Lower Houses of Assembly. Writers such as Daniel Dulany of Maryland spoke for most colonists in rejecting the British doctrine of "virtual representation" which claimed that each member of Parliament represented all citizens of the empire rather than just one geographic area.¹¹ The *Gazette* also followed other colonial newspapers in printing a series of anti-Stamp Act resolutions "passed" by the Virginia House of Burgesses—including two radical statements which had in fact not been approved.¹²

¹⁰ The best account of the passage and response to the Stamp Act is still Edmund S. Morgan and Helen M. Morgan. *The Stamp Act Crisis: Prologue to Revolution* revised edition (New York, 1962). Other useful and concise accounts can be found in Maier, *From Resistance to Revolution*; and Robert Middlekauf, *The Glorious Cause: The American Revolution, 1763-1789* (New York, 1982). The view from England is provided in John L. Bullion, *A Great and Necessary Measure: George Grenville and the Genesis of the Stamp Act, 1763-1765* (Princeton, 1982); and Jack M. Sosin, *Agents and Merchants: British Colonial Policy and the Origins of the American Revolution, 1763-1775* (Lincoln, Neb., 1965). For the Georgia response, brief overviews are provided in C. Ashley Ellefson, "The Stamp Act in Georgia," *Georgia Historical Quarterly* 46(1962): 1-19; and Randall M. Miller, "Stamp Act in Colonial Georgia," *Georgia Historical Quarterly* 56(1972): 318-31.

¹¹ For the differing views on representation, consult J. R. Pole, *Political Representation in England and the Origins of the American Republic* (New York, 1966).

¹² See for example, *Georgia Gazette*, 13 June, 1, 8 August, 5, 19, 26 September 1765.

Georgians expressed similar reservations about the Stamp Act, but the province's reaction appears muted in the historical record for two reasons. First, the *Georgia Gazette* had a policy of not printing letters, thus depriving citizens of a major platform for expressing dissenting views. Second, Georgia did not learn the identity of its stamp officer until early November. They did not know where in the colony to direct their protests. Throughout 1765, inhabitants contented themselves with expressing opposition through their agent in London. The legislative committee of correspondence in July instructed Knox to lobby for repeal, but specifically warned him to avoid "any expressions that might tend to call in question the Authority of Parliament." This was not because Georgians accepted England's authority to levy direct taxes, but because they believed that "more may be gained by humbly and dutifully remonstrating than by any other Method."¹³

President of the Council Habersham wrote Knox privately a few months later to sharply criticize the hated act and the rationalizations used in its defense. The threat of trials without juries, he maintained, was alarming to every inhabitant of America, Georgians included. He blasted the doctrine of virtual representation as "an insult of the most common understanding . . . when we are talking of the indefeasible Birth Right of A British American Subject." Merely because people lived in colonies rather than the mother country, he concluded:

should not deprive us of being tried by a Jury, or subject us to a taxation by two Legislative bodies; one of them we indeed chearfully submit to, because chosen by ourselves to represent us, and as they know our situation and circumstances, they are consequently best qualified to impose any necessary burdens upon us, but the others cannot, I speak with submission, surely think themselves possessed of those very essential and absolutely necessary qualifications.

¹³ Committee of Correspondence to William Knox, 18 July 1765, "Colonial agent letters," 273.

Though Habersham became a strong defender of Parliamentary powers and the royal prerogative in the 1770s, he never abandoned this belief that strong colonial authority was necessary to preserve liberty.¹⁴

Throughout the summer of 1765, the *Georgia Gazette* contrived to keep inhabitants informed of developments in the rest of America, including the Massachusetts Assembly's call for a united colonial opposition to the Stamp Act. In August, a circular letter from Massachusetts arrived in Savannah inviting the Georgia Lower House to send delegates to an intercolonial meeting in New York in October. Since the legislature was between sessions, House Speaker Alexander Wylly summoned an unofficial emergency meeting of representatives on 2 September 1765. Sixteen out of twenty-five Lower House members responded to the call and drafted a response. Wylly explained that he had approached Wright about the question, but the governor absolutely refused to call the House into session. Therefore, no delegates from Georgia would attend what became known to history as the Stamp Act Congress. However, the Speaker hoped that the attendees from other provinces would send a copy of the New York meeting's proceedings to Georgia when completed. Wylly assured his northern counterparts that none could "more warmly espouse the Common Cause of the Colonies than the People of this Province."¹⁵

¹⁴ James Habersham to William Knox, 27 October 1765, *CGHS*, 6: 45. Habersham's role in Georgia is examined in William B. Stevens, "Sketch of the life of James Habersham," *Georgia Historical Quarterly* 3(1919): 151-68; and C. Ashely Ellefson, "James Habersham and Georgia Loyalism, 1764-1775," *Georgia Historical Quarterly* 44(1960): 360-80.

¹⁵ *CRG*, 14: 270-74.

The staunchly conservative *Georgia Gazette* attempted to steer Georgians away from the violent protests occurring in other provinces. On 10 October 1765, Savannah subscribers read a highly partisan and harshly critical account of the August Boston Stamp Act riots.¹⁶ Despite his personal preferences, though, James Johnston probably helped promote Georgia demonstrations by reporting a Charleston anti-Stamp Act riot in the 24 October 1765 issue. On the following day, large gatherings of Savannah townspeople gathered to watch the Georgia militia march and drill in celebration of the fifth anniversary of King George III's accession to the British throne. Just hours later, a second crowd paraded through the streets with an entirely different purpose. The people dragged with them an effigy of an anonymous "stamp officer." The straw man was abused, hanged, and finally consigned to the flames "amidst the acclamation of a great concourse of people of all ranks and denominations."¹⁷

Two days before the Stamp Act was to take effect, five prominent citizens received anonymous threatening letters. Signed by the "Townsmen," each letter accused the recipient of either being the stamp master himself or of protecting stores of stamped paper for distribution on 1 November. Each of the five men was ordered to publicly advertise throughout Savannah that they had no connection to the stamps or the officers assigned to distribute them. Three of the men complied with the demand. Another—a visitor from England—decided to return to London immediately. Habersham, the final

¹⁶ *Georgia Gazette*, 10 October 1765.

¹⁷ *Ibid.*, 31 October 1765. The stamp officer remained anonymous because the identity of Georgia's officer was not yet known.

recipient, refused to dignify his note with any response whatsoever.¹⁸ In all likelihood, the threats were the work of the recently formed Georgia Sons of Liberty.

On 5 November, Savannah residents again combined celebration with protest. Britons used the day to commemorate the discovery of the Gunpowder Plot, a 1605 attempt to assassinate King James I and most of Parliament. Typical festive events included the lighting of bonfires, the burning of conspirator Guy Fawkes in effigy, and a parade through the town. A group of sailors who joined the parade on this day placed one of their fellows on a makeshift scaffold, looped a noose about his neck, and placed a piece of paper in his hands marking him as the “stamp-master.” While other sailors pretended to beat him with a cudgel, the man shouted “No Stamp Act, No riot Act, Gentlemen.” After drifting through Savannah repeating this scene, the sailors carried the show into Machenry’s tavern. There they strung up the stamp-master by hooking a rope under his arms and warmed up with a few mugs of rum punch. A great time was had by all. According to an observer, the activities drew a crowd of spectators “highly diverted by the humor of the tars.” The local Sons of Liberty, however, wanted to clearly separate Georgia demonstrations from destructive riots to the north. “In all the exhibitions here of this kind, private as well as publick property has remained unmolested,” reported the *Gazette*, “and no outrages have been committed.”¹⁹

Just one day before this raucous scene, Machenry’s tavern had hosted a more subdued and serious meeting.²⁰ The Georgia branch of the Sons of Liberty met to plot local

¹⁸ Ibid, 31 October 1765, 14 November 1765; Abbot, *Royal Governors of Georgia*, 107.

¹⁹ *Georgia Gazette*, 7 November 1765.

²⁰ The ties between taverns and political activism have shown up increasingly in recent scholarship. The malcontent club also met regularly in taverns. For other colonies, see David Conroy, *In Public Houses*:

opposition to the Stamp Act. They borrowed their strategies from ones adopted by Liberty groups in other provinces. The weak links in the Stamp duty were the agents designated to distribute paper—remove them and the law could not function. Therefore, the Savannah Sons decided to meet Georgia’s stamp officer upon his arrival and demand his resignation. If he proved reluctant, they would warn him of the possible “consequences” of a refusal. According to Wright, “private cabals” such as these were the main source of the colony’s new “spirit of faction and sedition” where none had previously existed.²¹

Though he still had no copy of the Stamp Act—nor even any clue as to the identity of the stamp agent—Governor Wright nevertheless took quick action to maintain public order and obedience to the mother country. On 31 October, he forwarded the “Townsmen” letters to the Lower House along with his opinion that such an “Insult upon Government” should meet with the disapproval of all good men. The governor then issued a proclamation offering a £50 reward for the capture and conviction of the anonymous author. Wright followed in early November with another proclamation condemning the public anti-stamp demonstrations. The document ordered an immediate halt to “all Riots, Routs and tumultuous Assemblies.” Anticipating some sort of trouble when the stamped papers finally arrived, the Council suggested keeping them in the city guardhouse under a strong watch. Until the legal paper was available for distribution,

Drink and the Revolution of Authority in Colonial Massachusetts (Chapel Hill, 1995); and Peter Thompson, *Rum Punch & Revolution: Taverngoing & Public Life in Eighteenth-Century Philadelphia* (Philadelphia, 1999).

²¹ *Georgia Gazette*, 7 November 1765.

however, the governor decided to shut down the land office, suspend the courts, and close down the port of Savannah rather than violate the terms of the law.²²

While Savannah waited for its first glimpse of the controversial paper, the Assembly took up unfinished business left from the recent recess. The Lower House debated the mild declarations drawn up by the Stamp Act Congress. Three provisions in particular addressed the connection between liberty and local authority. First, the Congress stated that “it is inseparably essential to the Freedom of a People . . . that no Taxes be imposed on them, but with their own Consent, given personally or by their Representatives.” Second, they maintained that “the only Representatives of the People of these Colonies, are Persons chosen therein by themselves.” Finally, the American resolutions argued that because the Stamp Act overrode local authority, it had “a manifest Tendency to subvert the Rights and Liberties of the Colonists.” Here were nine other colonies expressing the same idea held in Georgia: local representative authority was the best guarantee of liberty. The Georgia Commons endorsed all of the Stamp Act Congress’ proceedings and actions and forwarded their resolutions to London. To guarantee that Wright could not interfere again by adjourning the legislature, the House granted itself the power to reconvene without his approval to undertake any further action necessary to lobby for the repeal of the stamp duty.²³

Next, the Lower House took action against the province’s London lobbyist. Knox in 1765 had published a pamphlet attacking the colonial positions on virtual representation and defending the authority of Parliament. His old friend Habersham informed Knox in

²² *CRG*, 14: 277-78; *ibid.*, 9: 438-39, 455.

²³ Morgan and Morgan, *Stamp Act Crisis*, 142-44; *CRG*, 14: 315-16, 358.

late 1765 that the entire province had abandoned him. The Stamp Act piece “has not left you a single person, who will open their mouths for you in the Assembly,” wrote Habersham, “and I think not one of your friends up Stairs can justify you making that publication.”²⁴ On 15 November 1765, the Commons voted to discharge Knox from their service. In his place they named Charles Garth, then acting as South Carolina’s agent. Though acknowledging that such a change normally could not be made without the concurrence of the Upper House and governor, representatives felt that unusual times justified unilateral action. They did not trust Knox to present their endorsement of the Stamp Act Congress resolutions to the King.²⁵

Perhaps because he was preoccupied with quelling Stamp Act demonstrations, Wright allowed this assertion of Lower House authority to go unchallenged. Indeed, he even recommended an alternative to Garth as the colony’s agent. The Upper House, though, did try to block the Assembly’s action. These gentlemen had served on the Council with Knox until recently, and now refused to concur in their former colleague’s removal. In response, representatives created their own Committee of Correspondence to give instructions to Garth without input from the Council. The question of who legitimately represented Georgia in London remained unresolved when the Stamp Act crisis ended in mid-1766. The Lower House expressed its thanks to Garth for his efforts in securing repeal, while the Upper House transmitted its gratitude to Knox.²⁶

²⁴ James Habersham to William Knox, 27 October 1765, *CGHS*, 6: 44.

²⁵ *CRG*, 14: 293-94, 317-18.

²⁶ *Ibid.*, 14: 335-36, 366; *ibid.*, 17: 269.

Attention shifted away from London and back to Savannah with the arrival of the stamps aboard the H.M.S. *Speedwell* in early December 1765. Wright placed the paper under a heavy guard of 40 men for fear that rioters might break into the storehouse. A tense standoff lasted throughout the month of December until ship captains stuck in the harbor petitioned Wright to issue departure passes on stamped paper himself without waiting for the agent. Some of the ships had perishable cargoes and their owners stood to lose large sums of money if they could not set sail soon. This merchant appeal for enforcement of the Stamp Act spurred the Sons of Liberty into action. On 2 January 1766, protesters gathered in front of Wright's residence. When Wright confronted them and asked why they addressed their governor in such an undignified manner, the men demanded to know if he intended to issue stamps to the ships in harbor. When the crowd could not elicit a satisfactory answer, it dispersed for the time being, but warned him to that they could reassemble on short notice. That night, Sons of Liberty and supporters of the governor clashed violently at a local tavern, heightening tension in the city.²⁷

The following day, 3 January, Stamp Agent George Angus' ship entered the Savannah River. He was met not on shore by the Sons of Liberty, but on the water by Rangers dispatched by the governor as an escort. The soldiers then smuggled the stamp master safely to Wright's home, where he took his oath of office. Striking while confusion reigned in the opposition, Wright reopened the province's ports and quietly issued stamped clearances to the vessels at anchor. Though no further applications were made for stamps pending the outcome of the colonial petitions to King and Parliament, this one incident made Georgia the only colony in which the Stamp Act was successfully

²⁷ Extract of a Letter from Georgia, *Pennsylvania Gazette*, 13 February 1766.

enforced. To avoid possible reprisals from the surprised and infuriated townspeople, Angus shortly thereafter departed for a secret location in the countryside.²⁸ Wrath instead fell upon the citizens of Savannah. A patriot group in South Carolina voted to stop all trade with the neighboring province. The Carolinians further promised to kill any merchant or burn any ship carrying goods to or from Georgia.²⁹

Tensions remained high in Georgia throughout January, and Wright was glad when the captain of the *Speedwell* agreed to take the stamped paper back on board and out of danger. In response to this action, 240 Stamp Act opponents converged on Savannah in early February with the intention of surrounding the governor's residence and forcing him to pledge that he would issue no more papers. Further, they would demand that he unload and hand over the stamps currently on the Savannah River. Wright briefly considered calling out the militia, but concluded that the action "should have armed more against me than for me." Instead, he called in Rangers from various posts around the province, plus borrowed twenty crew from the *Speedwell*. When the armed "liberty people" marched into the town common on 4 February 1766 with their colors flying, they were confronted by nearly 100 trained soldiers and sailors. After staring down the governor's forces for three hours, the mob dispersed—having offered little apart from vague threats that it would return again.³⁰ A few days later, a group of "lower class" inhabitants burned an effigy of Secretary of State Henry Conway. As this was the last

²⁸ James Habersham to George Whitefield, 27 January 1766, *CGHS*, 6: 55; James Wright to Henry Seymour Conway, 31 January 1766, in Charles C. Jones, Jr., *The History of Georgia* (Boston, 1883), 2: 62-63; James Wright to the Board of Trade, 15 January 1766, *CRG*, 28 part 2: 132-33.

²⁹ Coleman, *American Revolution in Georgia*, 22.

³⁰ James Wright to the Board of Trade, 7 February 1766, *CRG*, 28 part 2: 136-37.

major episode of crowd action against the Stamp Act, one month later Wright could boast to his superiors in London that he had defeated the Sons of Liberty and successfully preserved the King's authority over Georgia.³¹

Even while Wright glowed with pride in his conduct, events across the ocean made the Sons of Liberty the final victors in the contest. The *Georgia Gazette* had ceased publication in November due to the high cost of stamped paper. When it resumed on unstamped newsprint in March 1766, it reported that Parliament was considering repeal of the Stamp Act. Final word of the repeal arrived amidst great rejoicing in June. Wright's sleepless nights and frantic activity had been in vain—there was no law to enforce any longer. Georgia residents chose to interpret the development as proof that the British colonial system worked. As they had done before when their liberties were infringed, inhabitants had successfully appealed to England for a redress of grievances. Few took notice of Parliament's Declaratory Act, published in the *Gazette* one week after the details of the Stamp Act repeal. The Declaratory Act asserted that Parliament had the right to legislate for the colonies in all cases whatsoever. England had retreated from this particular unpopular tax measure, but had not conceded the constitutional argument that only provincial legislatures had the right to tax.³²

In the wake of the Stamp Act repeal, Georgia tried to regain the harmony of interests it experienced prior to 1765. A principal figure in this attempt was the Reverend John Joachim Zubly. Born in Switzerland, Zubly came to America in 1745 at the age of 21. He split time serving German-speaking settlements in Georgia and South Carolina until

³¹ James Wright to Henry Seymour Conway, 10 March, 15 March 1766, *MsCRG*, 37: 116-18, 123.

³² *Georgia Gazette*, 18 June, 25 June 1766.

accepting in 1760 a permanent position with the Independent Presbyterian Church in Savannah. Zubly was Georgia's premier pamphleteer in the decade prior to the Revolution, and his writings received attention throughout the American colonies. His pamphlets are one of the few non-official sources that shed light on what Georgia thought about the relationship between the mother country and her plantations.³³

On 25 June 1766, Zubly delivered a sermon entitled "The Stamp-Act Repealed." He sharply criticized both the monarch and his ministers for assenting to the measure, suggesting that England very nearly lost all authority in her colonies:

When tyranny and oppression once arrive at a certain height, they become intolerable even to loyalty. It is dangerous for sovereigns to make the experiment, how much their subjects may be able and willing to bear. Oppression makes even a wise man mad . . .

Had petitions from the colonies fallen upon deaf ears, he stated, "the year 1765 must have been the fatal year from which the loss of American liberty must have been dated." In other parts of his oration Zubly adopted a more conciliatory tone, praising both the King and Parliament for repealing the Act before events spun hopelessly out of control. The reverend asked his listeners to "offer thanks unto God, that our invaluable privileges are preserved, that our land is not become a land of slaves, nor our fields a scene of blood." That was the time, he said, for mother and children to restore the bonds of familial affection and put aside the evils of hatred and discord. Britain and America shared one heart and one soul, and any who tried to divide them deserved divine punishment. So

³³ "Introduction," in Randall M. Miller, ed., *A Warm and Zealous Spirit: John J. Zubly and the American Revolution, a Selection of His Writings* (Macon, Ga., 1982), 9-10. (Hereafter *Zubly Writings*). On Zubly's role in Georgia during the Revolutionary years, brief yet useful accounts are found in Eunice Ross Perkins, "John Joachim Zubly: Georgia's Conscientious Objector," *Georgia Historical Quarterly* 15(1931): 313-23; Marjorie Daniel, "John Joachim Zubly—Georgia Pamphleteer of the Revolution," *Georgia Historical Quarterly* 19(1935): 1-16; and Roger A. Martin, "John J. Zubly Comes to America," *Georgia Historical Quarterly* 61(1977): 125-39.

long as people on both sides of the Atlantic understood this essential fact, he said, “our civil and religious liberties may be preserved inviolable till time shall be no more.”

Zubly’s oratory found a responsive and numerous audience. Editions of the sermon were published in Savannah, Charleston, and Philadelphia.³⁴

The reconvening of the legislature in July 1766 provided further opportunity for leaders to seek reconciliation and normalcy. Wright opened the session by transmitting to both houses the “paternal Affection and Regard” of their King as well as praise for the “true Magnimity and Generosity” of Parliament. He congratulated the citizenry on their not damaging either public or private property in the recent tumults, and also thanked the Assembly for avoiding any resolutions “tending to destroy the Legal and Constitutional Dependence of the Colonies on the Imperial Crown and Parliament of Great Britain.” The governor concluded his speech with an appeal that the representatives cheerfully and obediently turn their attention toward the necessary legislative business of the colony and avoid divisive questions in the future.³⁵

The replies from both Houses of Assembly were outwardly gracious and humble, but differed slightly in tone. The Lower House expressed its love for the King and Parliament, but also referred to recent imperial actions as “Evils” that had caused great lament amongst the people. Commons members proclaimed themselves happy that they had preserved the “true” constitutional order. They did not, as the governor had requested, acknowledge Parliament’s unlimited right to legislate for the colonies. The Upper House address contained no such caveats or qualifications. Council members

³⁴ *Zubly Writings*, 31, 39, 43, 45.

³⁵ *CRG*, 14: 370-71.

declared their “dutiful and constitutional Acquiescence and Obedience to the Laws and legislative Authority of Great Britain.”³⁶

Georgians soon had more public proof that the colony remained divided in the wake of the Stamp Act’s repeal. On 2 July 1766, the *Georgia Gazette* reversed its editorial policy and printed a private letter discussing recent events. Using the pen name Benevolus, the author called upon all inhabitants to forgive and forget those who supported either the Sons of Liberty or the governor in the Stamp Act Crisis. People, he urged, should “bury in a friendly oblivion” all hint of factionalism and party spirit. Instead, they should unite once again to move forward in the future. Quoting from the Bible, Benevolus concluded with an admonition that “a house divided against itself cannot stand.” “Are we all not one family, under one common head, and one in the same system of laws and government?,” he asked.³⁷

A series of impassioned exchanges in the newspaper during July and August 1766 showed that Georgians no longer considered themselves one family. Conservatives who had backed Wright were willing to forgive, but would never forget. “What countenance or regard out to be shown those men, who have so far thrown off all common sense, common honesty, and common good manners as to vilify and insult men of approved characters?” asked a writer naming himself A Lover of Truth. He took consolation in knowing that as “Liberty—glorious Liberty!—is out of the question,” the so-called patriots would soon lose all influence and importance in society.³⁸ It is entirely possible

³⁶ Ibid., 14: 374-75 (Emphasis added); ibid., 17: 283-84.

³⁷ *Georgia Gazette*, 2 July 1766.

³⁸ Ibid., 9 July 1766. Historians have misinterpreted the phrase “now that Liberty—glorious Liberty!—is out of the question,” as an admission that pro-Governor forces wanted to destroy liberty. This serves to

that this anonymous author was Habersham. He was later known to write pieces for the *Gazette* under assumed names, and had expressed very similar sentiments in his private correspondence on this occasion. Those supporting the enforcement of the Stamp Act, Habersham had told his friend Knox in London, were unfairly branded as the enemies of liberty. Agitators threatened to unleash “the phrenzy of an unthinking Multitude” against any who proposed moderation. Habersham believed that liberty was possible only under the rule of law and order, and he had little doubt that posterity would determine who truly deserved the title “Son of Liberty” and who did not.³⁹ Other writers in the *Gazette* tarred Stamp Act opponents with the stain of treason by comparing them to Jacobites trying to overthrow Britain’s Hanoverian dynasty.⁴⁰

Patriot authors responded with harsh words of their own. One writer claimed that supporters of Parliament were unhappy only because they had been “disappointed in their endeavour to rivet the stamp chains on [America].” Those people, not the protestors, were the real source of animosity in the province. Outraged citizens had responded through petitions and peaceful protests for repeal of an oppressive law, yet were then for some reason condemned as traitors. Why should they be branded as subverters of government merely for engaging “in so great a RIOT as to drink a bowl of punch together?” Supporters of the Stamp Act should beg patriots for forgiveness, he

cast loyalists as villains in the narrative. I read the phrase “out of the question” as meaning that liberty is no longer the issue since it is no longer threatened.

³⁹ James Habersham to William Knox, 4 December 1765, 29 Jan 1766, *CGHS*, 6: 49, 56.

⁴⁰ Letter from Be Angry and Sin Not, *Georgia Gazette*, 16 July 1766.

concluded, not vice versa. Until they did so, the Sons of Liberty would remain ready to prove their commitment to freedom.⁴¹

Printer James Johnston put a halt to the arguments in August when he declared that the *Gazette* would accept only non-controversial submissions intended to entertain or enlighten readers.⁴² This enforced silence, combined with the polite exchanges between the Assembly and Wright, has led historians to minimize the impact of the Stamp Act on Georgia. According to W. W. Abbot, the crisis created an opposition party in the Assembly, but did not open any chasm in provincial politics. To Randall Miller, the main consequence was that it gave inhabitants experience in imperial politics and made them less meek in the future. Concluded C. Ashley Ellefson: “So the controversy over the Stamp Act ended, with no more serious immediate consequences than the temporary strained relations between British colonial officials and moderates on the one hand and the more radical element in the colony on the other.”⁴³

The undercurrent of lingering discord was merely the most visible symptom of fundamental changes in the relationship between Governor, Council, Assembly, and the people. Wright expended his political capital and goodwill to enforce a measure that most of his subjects considered oppressive and unbearable. After 1765, Georgians no longer assumed that their interests and the governor’s coincided—an expectation that had originated with Henry Ellis. For the remainder of his long tenure, Wright’s actions were scrutinized for hidden meanings and motives. He complained many times that his official

⁴¹ Letter from Bear and Forebear, *ibid.*, 9 July, 23 July 1766.

⁴² *Ibid.*, 6 August 1766.

⁴³ Abbot, *Royal Governors of Georgia*, 124; Ellefson, “The Stamp Act in Georgia,” 17; Miller, “The Stamp Act in Colonial Georgia,” 329.

correspondence was opened or even altered. His attitudes towards the people hardened, and he took every hint of opposition as a personal insult. Though most inhabitants continued to respect Wright until the outbreak of fighting in 1775, they could not again give him their trust.

The Council experienced a profound transformation of its role in the colony. Before 1765, the Council was considered a source of local authority. Though appointed by the Crown, its members lived and worked in Georgia—some of them since the foundation of the province. During the Stamp Act Crisis, though, the Council sided completely with King and Parliament. It backed all of Wright’s proclamations and enforcement measures, even proposing the appointment of a temporary stamp officer until Angus arrived. The Upper House refused to dismiss Knox for his attacks on American authority. The Council’s decision to support the Act was difficult, but the gentlemen made the choice with a full understanding of the implications. Habersham thought the stamp duty repugnant to both colonial economics and liberties. However, he had voluntarily accepted an obligation to obey the King and his representatives, and, he told Knox, was “persuaded that the Crown have as good a right to faithful servants, as you & I have to those we pay wages to.”⁴⁴ Inhabitants in the future viewed the Council members purely as imperial agents, not as local representatives. Wright correctly dated this shift in perception to the Stamp Act tumults. Writing to Secretary of State Hillsborough two years after the Stamp Act repeal, he observed that “all those who were properly disposed at that time are looked upon and marked by them [the Sons of Liberty] as enemies of the people, and of this number most of the Council were, and therefore it is not to be

⁴⁴ James Habersham to William Knox, 27 October 1765, *CGHS*, 6: 46.

wondered at that they have been thwarted as much as possible ever since.” The governor and Crown accepted the Council’s new role, and used the Upper House’s powers to help oppose radicals in the lower chamber.⁴⁵

That left the Georgia Commons as the only institution in the colony that could reasonably claim to represent the people. The Stamp Act Congress resolves in November 1765 proclaimed as much. From 1766 until 1774—when challenges to England began to originate from extralegal organizations—the Lower House used its unique constitutional position to usurp powers considered both customary and unprecedented for colonial assemblies. This it did in remarkably aggressive fashion. After 1765, representatives no longer asked for the same privileges enjoyed in the rest of America—they demanded them as their right. Parliament was not yet seen as an enemy, but was definitely considered an adversary.

Finally, the Stamp Act forced people to refine their individual conceptions of the relationship between liberty and authority. Conservatives felt that only royal authority could defend liberty and property against the frenzy of the mob. Patriot leaders believed that only local authority could protect colonists’ rights from infringement by malicious ministers. Georgians also began to ponder the meanings of liberty, as one colonist put it, “in the very extensive sense that word has lately been taken.”⁴⁶ During the Trustee era, Georgians defined liberty largely as the right to own property without restrictions. In the early years of royal rule, residents equated liberty with the ability to participate in government. By 1766, Governor Wright complained that the colonists’ “strange

⁴⁵ James Wright to the Earl of Hillsborough, 31 May 1768, quoted in Percy S. Flippin, “The Royal Government in Georgia,” *Georgia Historical Society* 8(1924): 94.

⁴⁶ *Georgia Gazette*, 23 July 1766.

mistaken Ideas of Liberty” led them to believe “that no Power can tax or restrain them &c. but themselves or Representatives of their own choosing.”⁴⁷ One inhabitant proved prophetic when he expanded the limits of liberty beyond the narrow confines of constitutional arguments. In language echoed a decade later, Zubly in 1766 declared that the “true idea of liberty, [is] to be freed from every hurtful constraint, and to be able to do all that tends to make us truly happy.”⁴⁸

Assembly elections became more heated and politicized after 1765. Two loosely organized parties put forward candidates for seats in the Commons. One faction was the Sons of Liberty, who dedicated themselves to enhancing local authority and reducing the power of the Council and governor. The others called themselves “the friends of the Government.” These men supported Wright, the Council, and the authority of King and Parliament. According to the Sons of Liberty, such a division arose because of “a distinction between the Interest of the People & the Interest of the Crown & Mother Country.”⁴⁹ Georgians could no longer assume that England’s leaders had their best interests at heart. “The spirit of opposition never was more violent than now,” wrote Habersham during the spring 1768 elections. He would express similar sentiments in subsequent election years.⁵⁰

The first significant display of this new political dynamic came in the spring of 1767 due to a disagreement over the appointment of a colonial agent. The fight lasted for

⁴⁷ James Wright to Henry Seymour Conway, 24 June 1766, *MsCRG*, 37: 98.

⁴⁸ *Zubly Writings*, 48.

⁴⁹ James Wright to the Earl of Hillsborough, 23 May 1768, as quoted in Abbot, *Royal Governors of Georgia*, 145.

⁵⁰ James Habersham to William Knox, 7 May 1768, *CGHS*, 6: 64.

nearly a year before coming to a conclusion. At first, such an issue might appear small, but in reality the position was vital. The London agent was Georgia's sole source of representation in England. Any future petitions or remonstrances sent from the province would go through him. The question raised in 1767-68 controversy was whether the agent represented the interests of Georgia's government or its people. Was the agency a conduit for the assertion of local authority, or was it designed to preserve royal influence over colonial protests?

In March 1767, the Commons approved an ordinance re-approving Garth as the provincial agent. The Upper House rejected this on the basis that he already served South Carolina in the same capacity. Since the disputed land grants made in 1763 were still an ongoing issue between the two colonies, how could he possibly represent both provinces fairly? Rejecting the Council's reasoning, the Assembly appointed Garth unilaterally. To correspond with him, the Lower House established its own committee composed of seven representatives who had the full power to instruct the agent until such authority was withdrawn by Commons resolution. By excluding Council members from the Committee of Correspondence, representatives undoubtedly realized they would face opposition from the Upper House. Therefore, they made the tactical decision to include Garth's salary in the yearly tax appropriation.⁵¹ This put the Upper House members in a difficult position, as they did not have the power to amend money bills. If they wished to reject the agent's salary, they would have to forego an entire year's revenue and spending. Reluctantly, the Upper House accepted the tax bill in its entirety. Wright, however, quietly neutralized Garth's one year appointment by asking the Crown not to

⁵¹ James Habersham to Samuel Lloyd, 5 September 1767, *ibid.*, 6: 59-60; *CRG*, 14: 458, 473-74.

accept him as Georgia's legal agent.⁵² The Council then entered a strong protest that the Assembly's actions were unconstitutional:

Because the raising of Money for services performed by the sole Direction of the House of Assembly without this House being either previously consulted or concurring with them is a most dangerous precedent, which, if established, would put it in the Power of the House of Assembly alone to raise what Money they please and apply it to what Purposes they think fit without any Check or Controul from this House, by which this House of will be deprived of it's just and constitutional Rights and Priviledges that useful and necessary Balance which our Constitution has wisely established between the several Branches of the Legislature be destroyed and the Public consequently liable to be highly injured.⁵³

Here the Council explicitly expressed its belief that liberty required a balance between local and imperial authority. The difference now was interpretation. Crown officials accused the Commons of upsetting that balance by claiming new and unusual powers. Representatives considered the governor and Council guilty of tipping the balance unreasonably towards royal authority by denying rightful powers and privileges belonging to the Lower House.

In February 1768, the Commons again reappointed Garth and passed the ordinance along to the Upper chamber. Still having the same objections as before, the Upper House voted to postpone consideration of the nomination for five months, which effectively killed the bill. The Lower House then offered Benjamin Franklin—by this time well known as a strong advocate of colonial rights—as a compromise candidate for the position of colonial agent. Wright and the Council greeted this suggestion with little enthusiasm. However, they feared that if they pushed the issue further by rejecting this nominee as well, it might provoke further unilateral action by the Assembly. Therefore,

⁵² James Wright to Lord Shelburne, 6 April 1767, *MsCRG*, 37: 183-87.

⁵³ *CRG*, 17: 368.

everyone concurred in approving as agent the good doctor from Philadelphia, who went on to win reappointment until 1773.⁵⁴ Though the Lower House had permitted the governor and Council to assent to the ordinance, Representatives treated the offer as a polite courtesy only. They reserved the “sole right” to name the agent in the future. The specifics of Franklin’s appointment reflect the Assembly’s new assertiveness. The Committee created to correspond with the agent consisted of nine representatives and five councilors. Any seven of them would make a quorum. Whereas previously two Council members had to be present, this was no longer the case. Councilors would receive notification of each meeting, but their attendance was no longer necessary.⁵⁵

Relations between the Assembly and the governor and Council deteriorated further in the wake of Parliament’s passage of the Townshend Duties in 1767. The Acts placed new duties on trade in the hope that these would be more palatable to the colonies than direct taxes. Georgians again followed the unfolding American opposition in the pages of the *Gazette*. Over the course of three months beginning in January 1768, the newspaper reprinted—with favorable comments—John Dickinson’s *Letters of a Pennsylvania Farmer*. Dickinson summed up the colonial position by labeling the measures a tax in disguise and an unconstitutional attempt to bypass elected provincial assemblies. He urged resistance to Parliamentary taxation lest the people of America

⁵⁴ For Franklin’s activities as Georgia agent, see David T. Morgan, “A New Look at Benjamin Franklin as Georgia’s Colonial Agent,” *Georgia Historical Quarterly* 68(1984): 221-32. For an overview of his varied activities in London before the Revolution, see Cecil B. Currey, *Road to Revolution: Benjamin Franklin in England, 1765-1775* (Garden City, N.Y., 1968).

⁵⁵ *CRG*, 14: 567, 573; *ibid.*, 17: 392, 437-38, 573; James Wright to the Board of Trade, 8 June 1768, *ibid.*, 28 part 2: 253; James Habersham to William Knox, 7 May 1768, *CGHS*, 6: 64; Ordinance of Georgia Reappointing Benjamin Franklin as Agent, 27 February 1770, *Franklin Papers*, 17: 79-81.

become abject slaves. The Georgia Lower House responded by instructing Franklin to lobby for the repeal of the Townshend Duties.⁵⁶

Georgia also responded to a circular letter written by Samuel Adams of Boston. Though it did not call for anything like the Stamp Act Congress of three years before, the letter did call for united colonial opposition to the Townshend Acts. The Georgia legislature was once again out of session, so Speaker Wyllly responded personally in June. He informed the Massachusetts Assembly that the Georgia agent had instructions to join with any possible allies to seek repeal of the laws. However, he sincerely regretted that the province could take no official action until the House reconvened in November.⁵⁷ Though most Georgia citizens probably opposed the duties, there was no great sense of urgency or outrage. One major point made by Dickinson and Adams had no great relevance in Savannah. Both authors had warned of the danger to American liberty should these new revenues be used to pay colonial officials from England, thus removing their dependence on assemblies for their salaries. Payment by the Crown was already standard practice in Georgia.

During the summer of 1768, Wright viewed the upcoming Assembly with something approaching dread. The recent Commons House elections had been bitterly fought. Concerned over the governor and Provost Marshal's control over the elections process, the Sons of Liberty adopted the cry of "Great Plenty and a Free Election." Patriot groups raised their glasses for "Friends to Liberty and the Province," "The Pennsylvania Farmer," and "Success to all loyal Americans." On election day itself, the fear of

⁵⁶ *Georgia Gazette*, 27 January – 27 April 1768; *CRG*, 14: 584.

⁵⁷ Alexander Wyllly to the Speaker of the Massachusetts House of Representatives, 16 June 1768, *Georgia Gazette*, 31 August 1768.

violence was palpable, and numerous voters carried their weapons with them to the polls.⁵⁸ The result was a landslide victory for the “Violent Sons of Liberty,” Wright reported to his superiors. He noted with displeasure the great impact of Dickinson’s

Letters in Georgia:

Mr. Farmer I Conceive has most Plentifully Sown the Seeds of Faction & Sedition to Say no worse, & I’m Sorry my Lords I have so much Reason to Say they are Scattered in a very fertile Soil, & that the Well known author is adored in America, & no Mark of Honor & Respect they can Shew him is thought Equal to his Merit.⁵⁹

Wright felt powerless “where the voice of the people is so general and strong against the measures pursued in the Mother Country.” He blamed his current predicament on the leniency shown by British officials. Light treatment of seditious colonists only encouraged them to resist further. Had England forced the stamp tax upon America, it would have made the colonists submissive instead of rebellious. In Georgia, he resolved not to be so indulgent. Wright pledged to fight for the “just authority and true sovereignty” of King and Parliament.⁶⁰ The events that led to the dissolution of the 1768 Assembly started a process that ended with patriots abandoning established institutions and erecting extralegal bodies. From the fall of 1768 forward, the governor would attempt to break the Lower House of its tendency to grab powers that he felt it was not entitled to. These efforts were successful enough that by 1773 the Assembly was no longer seen as a viable medium of protest.

⁵⁸ Ibid., 27 April, 29 June 1768.

⁵⁹ James Wright to the Board of Trade, 8 June 1768, *CRG*, 28 Part 2: 253.

⁶⁰ James Wright to the Earl of Hillsborough, 6 August 1768, in Jones, *History of Georgia*, 2: 104-105.

When the new legislature met in November 1768, the governor warned the gentlemen not to even consider the “most dangerous and Factious” circular letter from Massachusetts. If members did raise the matter, he promised to immediately dissolve the House.⁶¹ New Speaker of the House Noble Wimberly Jones assured Wright that they had received no such letter. This was technically true since Wyllly—who had physical possession of the letter—did not arrive until December. On 24 December, he introduced the Massachusetts circular and a similar missive from Virginia. After a brief discussion, the Lower House endorsed both documents as arising “from the tender and commendable Attention of those Colonies to the natural Rights and Liberties of the British Subjects in America.” Representatives then voted to send replies to both colonies and print the entire House proceedings in the *Georgia Gazette*.⁶²

Less than an hour later, Wright approved the colonial laws passed up to that date and then dissolved the Assembly as he had threatened. This would be the first of four consecutive Georgia assemblies between 1768 and 1772 dissolved with prejudice. Wright blamed the Commons House for forcing his hand. They had disregarded a warning transmitted by him from the King by not only reading, but also approving, the Boston letter. The end result of such colonial denials of Parliamentary Authority would, he said, be an “improper Jumble or System of Government” based on nothing but “the mere Caprice of the Populace.” The governor then spelled out the confrontational and unyielding stance he would adopt for the remainder of the colonial period. “The Colonies I conceive are either bound by and subject to all the Acts of the British

⁶¹ *CRG*, 17: 454.

⁶² *Ibid.*, 14: 644-55.

Parliament . . . or are subject to None of any King whatever and consequently to be considered as independent of the legal or Parliamentary Power of Great Britain.” In short, the colonists must either acknowledge England’s supremacy or declare their independence. To Wright, there was no room for compromise.⁶³

By the late 1760s, the general outlines of the constitutional debate between Americans and England were clearly drawn.⁶⁴ Colonists refused to bear taxation without the consent of their legally elected representatives. Parliament insisted that it had the full authority to legislate for America in all cases. That the debate within Georgia was conducted in exactly these terms demonstrated that the province shared a much wider colonial concern with encroachments against local authority. The settlement’s apparently slow and mild reactions to imperial measures was a function of disagreements among the Sons of Liberty in the province over methodology, not ideology. Some supported action through the Assembly, while others called for public action outside normal legal and political channels. While one group suggested further petitions and remonstrances, another advocated more radical steps.

Zubly summed up the position held by most inhabitants of American colonies, including Georgia, in 1769’s *An Humble Enquiry*.⁶⁵ Zubly’s pamphlet was a strident warning against the evils of Parliamentary taxation without representation. Parliament’s

⁶³ Ibid., 14: 656-59.

⁶⁴ See Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607-1788* (Athens, Ga., 1986).

⁶⁵ *An Humble Enquiry Into The Nature of the Dependence of the American Colonies upon the Parliament of Great Britain, And, The Right of Parliament to lay Taxes on the said Colonies, By a Freeholder of South Carolina* (1769), in *Zubly Writings*, 53-82. It is not clear why Zubly chose to claim South Carolina residence. One possibility is that he sought to escape the negative connotation that Georgia still suffered under because of the Stamp Act’s enforcement.

recent measures were the first step along the road to tyranny and oppression. That institution claimed a right to tax the colonies without the colonists having actual representatives. This, said Zubly, made representation “a mere superfluous thing, no better than an excrescence in the legislative power, which therefore at any convenient time may be lopped off at pleasure.” Unless the people acted to stop such unconstitutional developments, next would come the annihilation of local authority, the permanent dissolution of American assemblies, and arbitrary rule. If colonists allowed the precedent to stand without protest, “all their liberty and property is at an end, and they are upon a level with the meanest slaves.” The dispute was not about the payment of taxes, Zubly concluded, but about the essential liberty of Englishmen.⁶⁶

Georgia’s governor outlined the basic imperial view in an August 1769 letter to Secretary of State Hillsborough. Wright declared that “Parliament has an absolute right to bind the Colonies.” Appeals to colonial charters or natural rights could not alter that basic fact. However, Wright differed from most of his superiors in expressing a fatalistic belief that the issue was too far gone for any hope of recovery. Americans were thoroughly convinced that they could not be taxed except through their colonial assemblies, and no reasoned arguments or declarations would change their minds. He was convinced that nothing short of an alteration in the Constitution could prevent the outbreak of a rebellion. Until this unhappy development occurred, though, Wright pledged to use his full powers to “support the Sovereignty and Honor of Great Britain.”⁶⁷

⁶⁶ Ibid., 55, 63, 75.

⁶⁷ James Wright to the Earl of Hillsborough, 15 August 1769, in Jones, *History of Georgia*, 2: 109-12.

Throughout 1769, American colonies began cutting off all unnecessary trade with England to protest the Townshend Acts. July brought word of South Carolina's non-importation agreement. Georgia—which joined the movement in September—was not as slow in following suit as some historians have implied. While certainly not the first, Georgia was not the last to adopt nonimportation. North Carolina and Rhode Island did not act until the following month, and New Jersey held out until June 1770.⁶⁸ A long letter in the 6 September 1769 Gazette pleaded for the colony to join with its neighbors and resist the temptation to make “a little paltry sordid present gain on the liberty of our country, [and] the freedom of our posterity.” Economic growth was pointless without essential constitutional rights. If Parliament had the authority to take even a small portion of individual property through taxation, then it “must also have authority to take all your property whenever it shall be thought proper.” The choice was not between trade or nonimportation—it was between freedom and slavery. Colonial unity in this endeavor was vital because colonists could only rely on themselves to defend their liberties. The mother country could no longer be trusted in that regard. “If we are no longer to be allowed the right o’ Britons, WE MUST be Americans,” concluded the writer.⁶⁹

The same 6 September issue gave notice of a public meeting at “Liberty-Hall” on the 12th to debate opposition to the Townshend Acts. The crowd that assembled on that day appointed a committee headed by Jonathan Bryan, who was later suspended from the Council for his role in the gathering.⁷⁰ The committee’s report advocated the adoption of

⁶⁸ Middlekauf, *Glorious Cause*, 181-84.

⁶⁹ Letter to the Inhabitants of Georgia, *Georgia Gazette*, 6 September 1769.

⁷⁰ *Ibid.*, 21 March 1770.

a nonimportation strategy like those implemented in other parts of America. The members made clear that they only resorted to this step because of London's refusal to consider colonial petitions. The text of Georgia's nonimportation articles closely followed those established in other colonies. Inhabitants should refuse to purchase any item carried from Britain or the West Indies except for certain listed exemptions—mainly items necessary for basic economic functions. Any person who refused to comply with the agreement would be considered “no friend to his country.”⁷¹ Georgia's Sons of Liberty had two main goals in mind: the prevention of trade with England and the encouragement of American manufacturing. The former would put pressure on the London Merchant community to oppose the taxes, while the latter would enable the colonies to better resist unconstitutional Parliamentary measures in the future.

Georgia's nonimportation movement proved a failure. Once again, the reason was poor organization rather than an acceptance of the Townshend Acts. The public committee's statement of 19 September competed with a more conservative agreement drawn up by a group of Savannah merchants just days before which barred the purchase of only taxed items.⁷² No one knew which nonimportation terms to obey. Even clear violators faced no repercussions since the Sons of Liberty did not establish any means of enforcing the trade restrictions. Realizing that the nonimportation movement in Georgia would collapse on its own, Wright wisely decided to ignore the matter entirely.⁷³

⁷¹ Allen D. Candler, ed., *The Revolutionary Records of Georgia* 3 vols. (Atlanta, 1908), 1: 8-11. (Hereafter *RRG*).

⁷² *Georgia Gazette*, 20 September 1769.

⁷³ James Wright to the Earl of Hillsborough, 10 May 1770, K. G. Davies, ed., *Documents of the American Revolution, 1770-1783, Colonial Office* 21 vols. (Shannon and Dublin, Ireland, 1972-80), 2: 90-91. (Hereafter cited as *Am. Rev. Docs.*).

With their first major extralegal protest effort a failure, advocates of local authority turned their attention back to the Georgia Assembly. Though the session's opening coincided with news that Parliament would soon repeal some of the despised duties, problems persisted between representatives and the governor.⁷⁴ Leaders in the Commons realized in late 1769 that they were guilty of the same offense as Parliament. Ever since 1765, they had taxed four parishes south of the Altamaha river even though they elected no members to the Assembly—taxation without representation. How could colonists defend liberty for some, but not for all? Therefore, on 15 November 1769, members asked Wright to issue election writs for those parishes since under current circumstances “our Fellow Citizens are . . . deprived of that most Valuable and inestimable Privelege the Right of Consenting by their Representatives to all Laws by which either their Persons, Property, or Lives are to be affected.”⁷⁵

Wright responded that he saw the justice in the request, but that it was not in his power to allot new representatives. His instructions forbade him from adding to or diminishing the number of seats in the Assembly, and he therefore refused to grant the election writs.⁷⁶ The Council backed the governor's decision, but the Commons House deemed it “a Denial of Justice.” The issue caused a lengthy series of frustrated exchanges between the Lower House and Wright during the winter of early 1770. The former demanded the admission of new members from the four parishes, and the latter claimed insufficient authority to comply. With no end to the controversy in sight, the

⁷⁴ Benjamin Franklin to Noble Wimberly Jones, 7 June 1769, *CRG* 14: 29-30.

⁷⁵ *Ibid.*, 14: 46-48.

⁷⁶ *Ibid.*, 14: 49.

Commons in March 1770 passed the annual revenue bill with an exemption for the unrepresented areas. Since they had no actual representation, said the Lower House, their inhabitants could not be taxed. The Georgia House would not resort to the same expedient justifications claimed by Parliament because of a colonial “detestation” for the concept of virtual representation.⁷⁷

The spring session closed with the consideration of a new elections bill that would alter requirements for electors and candidates in small but significant ways. Leaders were concerned that some prosperous merchants who did not own large lots of land might not qualify for the franchise. Their property was being taxed without them having a vote for their representative. The new bill tied voting rights to the value of property owned rather than acreage. Payment of a tax on a small town lot equal to that paid on 50 acres of land entitled someone to vote. Also, owning £300 in houses, buildings, and town lots qualified one to hold office. To prevent “undue & improper Influence” at polling places, votes would be taken by secret ballot rather than by public voice vote. This method of collecting and recording votes would have had an additional consequence had it gone into effect—it would have eroded the close bond between individual electors and candidates. No longer would everyone know for whom a person voted.

According to both the House and Council, the overall result of these election alterations would be “a more general and equal Representation of the People.” Though some aspects of the proposal drew Wright’s support, he objected to a clause limiting the duration of each Assembly to three years. The Lower House sought this limitation to guarantee that members would have to face the populace on a regular basis, thus

⁷⁷ Ibid., 14: 86-87, 123-24, 127-28, 153.

preventing the governor from indefinitely keeping a future submissive Assembly that might meekly submit to measures that undermined American liberty. The Crown had rejected a similar provision in 1759, and Wright saw no reason to reverse that decision. Therefore, he vetoed the election law.⁷⁸

When the legislature began its fall session in 1770, the Lower House again raised questions about the election law and the unrepresented parishes. Wright repeated his objections to the clause limiting the duration of the Assembly, and pleaded that he had not heard back from his superiors on the question of expanding the number of representatives elected. Unhappy with these answers, representatives took the drastic step in February 1771 of utterly refusing to pass a tax bill at all this year without the inclusion of elected members from the four southern parishes.⁷⁹ On the day following this ultimatum, the governor received permission from England to expand representation to the four unrepresented parishes. He decided to use the lure of this concession to reassert royal authority over the Commons House. Wright met privately with Speaker Jones and promised that writs of election would go out for the southern parishes if the Assembly immediately rescinded its threat to withhold passage of the tax bill.⁸⁰ When Jones took the offer to the chamber, a few of the most active Sons of Liberty, according to Wright, “bellowed on their rights and privileges and the plenitude of their powers, which in every respect they suppose to be equal to those of the House of Commons in Great Britain.” When the members adjourned that afternoon with no apparent intention

⁷⁸ James Wright to the Board of Trade, 23 July 1770, *ibid.*, 28 part 2: 336-37; *ibid.*, 17: 595; Committee of Correspondence to Benjamin Franklin, 23 May 1770, “Colonial Agent Letters,” 281.

⁷⁹ *CRG*, 15: 199-202, 206-07, 298-99.

⁸⁰ Noble Wimberly Jones to Benjamin Franklin, 4 March 1771, *Franklin Papers*, 18: 51-52.

to concede to Wright's request, he dissolved the Assembly on 22 February 1771. In the governor's view, representatives had no right to question his actions. 'The Assembly here have no other foundation for their existence and authority from what arises from His Majesty's commission and instructions to me.'⁸¹ He hoped that his action would remind colonists of the wisdom of submitting to royal and Parliamentary power.

Perhaps hoping to catch his opponents off-guard, Wright called for new Assembly elections just days after the dissolution. He deprived the Sons of Liberty of a major campaign issue by including representatives from the four southern parishes. Though this was a sound electoral strategy, it is likely that no effort from Wright or any of his supporters could have prevented a majority of "Liberty People" from being returned on 23 April 1771. The assembled members at the session unanimously re-elected Jones as Speaker of the House. Wright found this choice completely unacceptable because of Jones' actions in the previous Assembly. The governor therefore vetoed Jones' selection, exercising a power granted to him by royal commission but never before used in Georgia. The Lower House then named Archibald Bulloch to the Speaker's chair, and Wright offered his approval. Before letting the members proceed with business, however, the governor admonished them to "confine your Views, to such things only as are most Essential."⁸² Representatives defined "essential" much differently than Wright.

The Lower House reconsidered its election of Bulloch on the following day, 24 April, realizing that allowing Wright's veto to pass without protest would establish an unwelcome precedent. The representatives voted to give Jones their thanks for his efforts

⁸¹ James Wright to the Earl of Hillsborough, 28 February 1771, *Am. Rev. Docs*, 3: 53-54.

⁸² *CRG*, 15: 305; *ibid.*, 17: 646.

on behalf of “the Rights and Privileges of the People” in the last Assembly. The Commons followed this with a resolution denouncing Wright’s claim to a veto power over the choice of Speaker. The majority of the chamber felt that the governor “had no right to [disapprove a Speaker] either by Law or reason.” Such excessive authority over the Lower House, members said, “tends to subvert the most valuable Rights and Liberties of the People and their Representatives.” They had consented to the replacement of Jones with Bulloch only because of urgent legislative business that needed their immediate attention.⁸³

Both Wright and his Council on 26 April criticized the House resolution as a “most indecent and Insolent denial of his Majesty’s Authority.”⁸⁴ A few members of the Council tried to privately convince Speaker Bulloch to strike the resolution from the official minutes, but they could make no headway. When notified of this failure in negotiations, the governor called the representatives into the Council chamber, chastised them for their insulting conduct, and dissolved them. This Assembly had met for all of three days. In his report on the matter, Wright placed the blame solely on Lower House members, who he said were “intoxicated with ideas of their own importance and power.” He urged London authorities to somehow settle the constitutional questions once and for all. Unless this happened, he predicted that the Sons of Liberty would soon become “petty tyrants” and set up courts of inquisition to persecute the defenders of imperial authority.⁸⁵

⁸³ Ibid., 15: 311-12; Noble Wimberly Jones to Benjamin Franklin, 8 July 1771, *Franklin Papers*, 18: 168.

⁸⁴ CRG, 11: 335.

⁸⁵ James Wright to the Earl of Hillsborough, 30 April 1771, *Am. Rev. Docs.*, 3: 86-87.

Wright departed in July 1771 on a planned journey to England, leaving Habersham in effective command of the province. A resident of Georgia for over thirty years, Habersham understood the needs of the colony better than most. During the transition from Trustee to royal rule, he had pushed for greater local political authority. However, his attitudes changed after the Stamp Act tumults. At that time, he made the conscious decision to represent the King rather than the people of Georgia. He did not regret this decision in hindsight. He saw the Sons of Liberty as the greatest threat to freedom, liberty, and order. Radicals had “taken the powers of Government out of its proper and legal channell, and invested it in a Mob,” he complained in 1770, “which must eventually end in a total subversion of all Law and Government and of Course expose Mens persons and properties to Violence and Rapine.”⁸⁶ The Sons of Liberty could not expect Habersham to be any more conciliatory than Wright.

Secretary of State Hillsborough instructed Habersham to reject whomever the new Assembly chose as Speaker, thus asserting the royal governor’s authority in the matter.⁸⁷ In truth, the President was in no hurry to call for new elections at all. His old friend Knox, now undersecretary to Hillsborough, had advised him to do without an Assembly as long as possible due to the recent assaults on the royal prerogative. The suspension of legislative powers, said Knox, was “the only fit means to bring a People to feel the advantage of possessing them.”⁸⁸ Habersham concurred, anticipating and fearing the trouble that an Assembly would cause. He was convinced that the Lower House would

⁸⁶ James Habersham to Joseph Habersham, 13 October 1770, *CGHS*, 6: 89.

⁸⁷ Earl of Hillsborough to James Habersham, 4 December 1771, *Am. Rev. Docs.*, 3: 251-52.

⁸⁸ William Knox to James Habersham, 4 September 1771, in Erwin C. Surrency, ed., “A Letter from William Knox to James Habersham,” *Georgia Historical Quarterly* 34(1950): 341-42.

name Jones as their Speaker, he would reject the selection, and the province would again erupt into controversy.⁸⁹

Over the winter of 1771-72, resentment gradually began to build about the lack of an assembly. Habersham finally bowed to the inevitable and called for elections to take place in March 1772, nearly a full year after the last dissolution. He recorded with little enthusiasm that “a great majority of the representatives will probably be of the same Texture” as those in the previous three dissolved Houses.⁹⁰ If true, this would guarantee a showdown between the acting governor and the Commons. Just as he expected, the Lower House in April 1772 named Jones as Speaker and Habersham exercised his negative according to instructions. The Commons then presented Jones a second time and forced the President to again reject him. The representatives next turned to Bulloch as a compromise candidate, and Habersham—who was fully prepared to order a dissolution should Jones be chosen a third time—gave his relieved assent. Habersham soon learned that the situation was not as simple as it appeared. Prior to settling on Bulloch, the Lower House had again voted Jones their Speaker and only upon his immediate resignation had they chosen another candidate. The President demanded that the Commons expunge the official record of Jones’ election and resignation. Despite Habersham’s personal lobbying effort, the representatives refused to back down. Faced with few options other than continued stalemate, the President of the Council declared the Assembly dissolved on 24 April 1772.⁹¹

⁸⁹ James Habersham to William Knox, 26 November 1771, *CGHS*, 6: 150-51.

⁹⁰ James Habersham to James Wright, 12 March 1772, *ibid.*, 6: 168-69.

⁹¹ James Habersham to the Earl of Hillsborough, 30 April 1772, *Am. Rev. Docs.*, 5: 90-91; *CRG*, 15: 315-34.

The three dissolutions within thirteen months during 1771-72 helped propel Georgians down the path of rebellion and revolution. It was now obvious to inhabitants that the governor had too much control over the Lower House for it to serve further as an effective source of local authority. Apart from a brief tussle over the reappointment of the agent in 1774, the Commons gave the governor and Council little trouble until 1775. Instead, patriots turned to private associations and societies to express opposition to imperial measures. As William Little had warned 15 years earlier, the Assembly had ceased to be the “resort of liberty.” As more people came to this conclusion, they became disenchanted with British rule in general. As former Speaker Jones explained in the wake of the dissolutions:

It is by the Arbitrary Proceedings of Governors and other Crown Officers countenanc'd by their Protectors here, that the Affections of the Americans to this Country are daily diminishing, and their Attachment to its Government in danger of being Lost in the Course of a few succeeding Years.⁹²

Jones had already determined that “Disunion” and a war for independence was the most likely outcome, but this process had just gotten underway in 1773. Other citizens retained a hope that mother and child might reconcile and become a family once again. The resulting division and disagreements about the means of protest delayed the development of new governmental institutions until 1774.

The specific impetus for forming a governmental structure independent of royal authority came not from within Georgia, but from without. In December 1773, citizens of Boston boarded an English ship and dumped its cargo of tea into the harbor as a protest over the Tea Act. In response to the “Boston Tea Party,” Parliament passed a series of Coercive Acts which shut down the port to all traffic, restricted the jurisdiction

⁹² Noble Wimberly Jones to Benjamin Franklin, 2 April 1772, *Franklin Papers*, 19: 96.

of Massachusetts provincial courts, and made General Thomas Gage the new colonial governor. At the same time, the British legislature passed the Quebec Act, which erected a government for Quebec containing no elected assembly, allowed civil trials without juries, and recognized the Catholic Church's principal position there. Colonists in Georgia and the rest of America referred to these measures collectively as the Intolerable Acts.⁹³ Indian trader Seth Cuthbert reported that the province was greatly divided by news of the Intolerable Acts. "Boston [and] Revolution," he said, "are the general topics of conversation."⁹⁴ One writer warned that Georgia might be next if its inhabitants countenanced such "horrid Crueltys & persecutions of our own Species." If the mother country placed part of North America under Catholic rule, and another under military rule, would a third be subjected to the tyrannical "Laws & Religion of Turkey?"⁹⁵

In July, the *Georgia Gazette* carried a notice—signed by four leading Sons of Liberty—of a public gathering on 27 July 1774 to discuss the "alarming and arbitrary imposition of the late acts of the British Parliament respecting the town of Boston." Those gathering would consider any and all peaceful measures intended to protect Americans' "constitutional rights and liberties, as a part of the British Empire." The committee established that July day took no immediate action because it lacked

⁹³ For the tea party and the British and American responses, see Benjamin W. Labaree, *The Boston Tea Party* (New York, 1964); and David Ammerman, *In the Common Cause: American Response to the Coercive Acts of 1774* (Charlottesville, Va., 1974).

⁹⁴ Seth Cuthbert to [unknown], 9 August 1774, Keith Read Papers, Box 6, folder 36.

⁹⁵ Extract of a Letter from Mercurious, 1774, in Lilla Mills Hawes, ed., *Lachlan McIntosh Papers in the University of Georgia Libraries*, 9.

representatives from all areas of Georgia. Instead, the committee issued a call to the various parishes to send official deputies to a second meeting in August.⁹⁶

Governor Wright, seeing power slip through his fingers, moved to block the August convention by issuing a proclamation forbidding such “unconstitutional, illegal, and punishable” gatherings. Ignoring this threat, elected deputies from every parish on 10 August 1774 adopted several resolutions in defense of American liberties and in opposition to the recent Parliamentary actions against Massachusetts.⁹⁷ The delegates, however, voted down a motion to send representatives to the Continental Congress soon to be held in Philadelphia. Some historians have interpreted this refusal as evidence of lukewarm patriot sentiments in Georgia. Contemporary accounts, though, attributed this defeat to the vocal actions of attendees who voted even though they had no right.⁹⁸ In all likelihood, they were Wright men who went to the meeting with obstruction in mind.

In response to the patriot resolutions, supporters of royal authority started a counter effort calling for public denunciation of the 10 August meeting as seditious and against public opinion in Georgia. Various forms of this conservative petition attracted the signatures of 633 residents from across the province. Some signers from in and around Savannah attached their names because they felt that they had been excluded from the so-called public gatherings because of their opposition to the Sons of Liberty, that the deputies had been illegally chosen, and that the gathering’s intentions had been

⁹⁶ *RRG* 1: 11-13.

⁹⁷ *Ibid.*, 14-17; James Wright to the Earl of Dartmouth, 24 August 1775, *Am. Rev. Docs.*, 8: 162.

⁹⁸ Coleman, *American Revolution in Georgia*, 42.

misrepresented to the people.⁹⁹ The August resolutions split the previous Whig coalition into two groups: those who favored more radical action and those more conservative in outlook. This divide within patriot ranks contributed to the factionalism that beset Georgia during the War for Independence.¹⁰⁰

For the first time, the terms rebel and loyalist began to describe accurately the two opposing sides of the constitutional debate, and the tense political atmosphere convinced several individuals to reconsider their previous allegiances. Included among the new loyalists was former House Speaker and anti-Wright agitator Alexander Wylly, who had by mid-1774 come to the conclusion that radicals were pushing the battle against royal authority too far. When Liberty People pored over the lists of names produced by the counter petition effort, they claimed to uncover numerous irregularities. It was pointed out that nearly one-third of the 103 signatures from Savannah came from royal officeholders. Other names were reportedly falsely appended to the documents, and, said the Sons of Liberty, did not represent the true sentiments of those individuals. Finally, critics marveled that a few inhabitants managed to return from the dead to register their support for imperial authority.¹⁰¹

Among the various loyalist remonstrances produced in the summer of 1774 were two from St. Paul's parish (the westernmost parish in Georgia) and one from the town of Augusta. These backcountry farmers and Indian traders were in 1774 terrified about the

⁹⁹ The petitions appeared in the 7, 21, 28 September, and 12 October issues of the *Georgia Gazette*. All but one are reprinted in *RRG*, 1: 17-34.

¹⁰⁰ For an adequate discussion of early origins of Revolutionary Georgia factionalism, see Harvey H. Jackson, "Georgia Whiggery: The Origins and Effects of a Many-Faceted Movement," in Jackson and Spalding, ed., *Forty Years of Diversity*, 251-73.

¹⁰¹ *Georgia Gazette*, 21 September, 19, 26 October 1774.

prospects of a general war with the Creek nation, and their support for the Crown was understandable as they relied on the British army for protection. The colony had already suffered numerous raids that destroyed the homes and lives of frontier settlers. Though Creek leaders insisted that the raiding parties were a small renegade minority, backcountry colonists worried that other Native Americans might ignore peace treaties and join in the attacks. Both chambers of the Georgia legislature had formally asked the King for assistance, and the province was waiting impatiently for any response from England.¹⁰² Eventually the Crown and Creeks would renew their peaceful coexistence, but in the summer of 1774 that future security was very much in doubt. One St. Paul's counter petition explicitly stated that the signers were denouncing the August patriot gathering due to the fear of losing the mother country's aid against the Indians.¹⁰³

Just because the backcountry was reliant upon royal power and British military might did not mean that settlers in the area wholeheartedly embraced imperial measures or officials. Wright had a strong distaste for western farmers and merchants. After these gentlemen removed themselves from the proximity of royal officials, he complained, they tended to set themselves up as "a kind of Separate and Independent People" whose geographic distance placed them "out of the Reach and Controul of Law and Government." He and his Council therefore opposed granting land in the western region of Georgia during the 1770s so long as good land was available near the coast. If settlers continued to move into the backcountry despite this policy, Wright warned, it would create a "Province within a Province" which would eventually undermine the authority of

¹⁰² Commons House Committee of Correspondence to Benjamin Franklin, 14 March 1774, *Franklin Papers*, 21: 145-46.

¹⁰³ *RRG*, 1: 25.

Great Britain.¹⁰⁴ With this uneasy relationship with the governor, backcountry residents showed a willingness to swing their support behind the Sons of Liberty when patriots began to establish a viable provincial government in 1775 that was capable of negotiating with Native tribes.

The governor's speech to the Georgia Assembly in early 1775 demonstrated that the philosophical divide between ruler and ruled yawned wider than ever. Wright attacked colonial notions of the relationship between liberty and authority. He insisted that he too was a defender of liberty, but maintained that freedom was possible only in an orderly society. "It is an indisputable truth," he declared, "that where there is no law there can be no liberty." By attacking royal authority, the Sons of Liberty trampled upon the law and government, thereby destroying the very rights they claimed to cherish.¹⁰⁵

In contrast, an increasing number of Georgians had reached the conclusion that local authority—and therefore liberty—was no longer possible within the existing British colonial framework. These individuals began to construct new, permanent institutions of colonial authority that were politically independent of the Crown and Parliament. With rapid speed, these new sources of provincial power usurped the traditional functions of government from the existing royal administration.¹⁰⁶ Though patriot groups in Georgia publicly insisted until 1776 that they wished to remain loyal subjects of George III, the

¹⁰⁴ James Wright to the Board of Trade, 27 December 1771, *CRG*, 28 part 2: 378-79. For an overview of the interaction between the backcountry and royal officials, see Edward J. Cashin, "Sowing the Wind: Governor Wright and the Georgia Backcountry on the Eve of the Revolution," in Jackson and Spalding, ed., *Forty Years of Diversity*, 233-246.

¹⁰⁵ *RRG*, 1: 35-36.

¹⁰⁶ For a pancolonial view of this process, see Jerrilyn Greene Marston, *King and Congress: the Transfer of Political Legitimacy, 1774-1776* (Princeton, 1987). For a look at local committees in another part of America, see Richard Alan Ryerson, *The Revolution is Now Begun: the Radical Committees of Philadelphia, 1765-1776* (Philadelphia, 1978).

colonial logic of liberty inexorably propelled them towards separation. If the English government would not guarantee Americans their liberties, the only path left open was to establish a new government that could.

The first Provincial Congress met in January 1775 to consider approval of the Continental Association—a nonimportation and nonconsumption agreement enacted by the Continental Congress a few months before. The makeup of the delegates highlighted the separation between the royal Assembly and the new extralegal body. Of the forty-five representatives, only six concurrently held seats in the House of Commons. From the outset, the Provincial Congress was beset with problems that undermined its ability to act. Elections had been poorly planned and hastily called, leading to poor turnout. Wright reported that in one parish with 700 eligible voters, only 36 cast ballots. Seven out of the twelve parishes did not send delegates to the meeting at all, indicating that many residents still believed progress possible under British rule and refused to participate in the extralegal elections.¹⁰⁷ This weak mandate made the Georgia deputies hesitant to adopt a radical plan of action. They instead approved a watered down version of the Continental Association that, effective 15 March 1775, restricted trade only with the British Isles and West Indies. The Georgia version did not promise nonconsumption of English goods, nor did it forbid interaction with other American settlements who violated its terms.¹⁰⁸ The first Georgia Provincial Congress was less than a complete success. It elected three members to serve in the Continental Congress, but, citing the institution’s questionable representative status, they declined to go to Philadelphia. “The

¹⁰⁷ James Wright to the Earl of Dartmouth, 1 February 1775, *Am. Rev. Docs.*, 9: 42-43.

¹⁰⁸ *RRG*, 1: 42-48.

spirit of freedom is not extinguished,” the men stated optimistically, “but only restrained for a time, till an opportunity shall offer for calling it forth.”¹⁰⁹

The Georgia House of Commons, meeting at the same time, passed a set of radical resolutions for the final time in the colonial period. Speaking on behalf of Georgians over the previous four decades, the Assembly declared that the foundation of liberty was “a right in the people to participate in the legislative council.” This could only occur through local institutions chosen by the people in free elections. Lower House members decried the unelected Council’s involvement in lawmaking as “dangerous and destructive to the freedom of American legislation.” These resolutions were merely restatements of views held in one form or another since the settlement’s infancy. Only vibrant local authority could defend the liberty of colonists.¹¹⁰ After hearing of these resolutions, the governor prorogued the House before it could consider the Continental Association.

Setbacks suffered by radicals in 1774 and early 1775 pleased Wright. In an unrealistic burst of optimism, he predicted that patriot groups would fall apart.¹¹¹ Certainly the Savannah Sons of Liberty faced scathing criticism from within and without the province. Disgusted inhabitants of St. Johns parish dispatched Lyman Hall to represent them in the Continental Congress.¹¹² South Carolina patriot groups raged against Georgia’s failure to adopt fully nonimportation and nonconsumption. On 8 February 1775, the General

¹⁰⁹ Noble Wimberly Jones, Archibald Bulloch, and John Houstoun to the President of the Continental Congress, 6 April 1775, *ibid.*, 1: 63-66

¹¹⁰ *Ibid.*, 1: 48-53.

¹¹¹ James Wright to the Earl of Dartmouth, 24 April 1775, *Am. Rev. Docs.*, 9: 106.

¹¹² Coleman, *American Revolution in Georgia*, 50.

Committee in Charleston declared an end to all intercourse with their neighbors.¹¹³

Loyalists found themselves rebuffed by their counterparts in South Carolina due to fears of patriot reprisals. To James Habersham, rebellion and civil war seemed inevitable. The upcoming conflict would see “Father against Son, and Son against Father, and the nearest relations and Friends combatting each other, . . . cutting each others throats,” he mournfully predicted. His son Joseph had joined the Radicals. Rebel leader Noble Wimberly Jones’ father still sat on the royal Council.¹¹⁴ The younger Jones concurred, stating that “bad is the best of wars between Father, Sone, [&] Brethren.”¹¹⁵ Habersham’s worst fears came true, but neither he nor the elder Jones had to suffer through such a traumatic experience. Aged and infirm, these two prominent senior Georgians died in mid-1775.

Radicals received a boost when news of the battles of Lexington and Concord reached Savannah on 10 May 1775. No single event did more to undermine royal authority in Georgia and shift power to the patriots than did the outbreak of war. According to Wright, the report prompted the circulation of wild rumors about massive slave uprisings and an imminent British army invasion of South Carolina and Georgia. He declared the attitude of the populace “much changed” since his optimistic report just a few months before. Now the inhabitants were preparing for war. Evidence of this came on the night of 11 May 1775 when Sons of Liberty broke into the public magazine and carried off all

¹¹³ RRG, 1: 57; James Wright to the Earl of Dartmouth, 24 April 1775, *Am. Rev. Docs*, 9: 106.

¹¹⁴ James Habersham to Messieurs Clark and Milligan, 7 April 1775, *CGHS*, 6: 236; Seth Cuthbert to [unknown], 4 April 1775, Keith Read papers, University of Georgia, Box 6, Folder 38.

¹¹⁵ Noble Wimberly Jones to Benjamin Franklin, 16 May 1775, Noble Wimberly Jones Papers, Duke University Library.

but 500 pounds of powder.¹¹⁶ A similar scene took place on 4 July 1775 and demonstrated the royal government's rapidly dwindling authority. While the governor and Council were in session, Commissary General George Baillie interrupted and reported that men had just broken into the provincial storehouse and were in the process of carrying away the cannon, powder, and shot lodged there. Wright sent Baillie with orders that the thieves should halt at once. Baillie was to "forbid them at their Peril" to remove any of the King's property. If they did not cease, he was to take a list of names of those involved. When the Commissary General arrived at the storehouse and repeated these orders, the men promised to give him a list of their names and of the goods they took, and calmly continued with their work. The royal Council offered its opinion that neither they nor Wright had any hope "to prevent such daring and Unlawfull Proceedings." All they could do was pass along an account of the incident to London.¹¹⁷ Royal officials in Georgia had been reduced to the status of messengers.

On the same July day as the powder seizure, 102 elected delegates met in another part of Savannah and convened the second Provincial Congress. This time, ten of the twelve parishes had members present, giving the institution a solid claim to represent the will of the colony as a whole. Initially, the representatives took relatively mild actions so as not to renew the divisions that had hampered the first Congress. The Reverend Zubly opened the session by delivering a sermon entitled "The Law of Liberty," a pointed but conciliatory critique of British colonial policy addressed to Secretary of State Dartmouth. The gentlemen followed on 14 July with a loyal petition to the King for his intervention

¹¹⁶ James Wright to the Earl of Dartmouth, 25 May 1775, *Am. Rev. Docs.*, 9: 144; *CGHS*, 10: 22.

¹¹⁷ *CGHS*, 10: 28-29.

in the defense of American liberty. As such petitions repeatedly had failed since 1766, few believed that this one would have much positive effect. Georgians admitted as much in the text of the document. “We bring up the rear of American petitioners,” delegates stated, “and from the fate of so many petitions presented to your Majesty from America, ...have a most melancholy prospect.”¹¹⁸ To conservatives, these symbolic gestures satisfied their desire to pursue every possible chance of reconciliation. Radicals viewed them with indifference since sermons and remonstrances did neither harm nor good to their cause.

The real purpose of the three Provincial Congresses held between July 1775 and January 1776 was to assume the mantle of Georgia government. To assist in this duty, a body known as the Council of Safety was created. Selected by the Congress, members of the Council of Safety were to help coordinate the activities of parochial committees in each parish who were in charge of enforcing compliance with the Continental Association. The parochial committees soon replaced the royal courts as the main legal institutions in Georgia. The Council in theory also acted as an interim executive government between legislative sessions.¹¹⁹ In reality, functions were not so clearly apportioned between the new administrative units, and the Council of Safety occasionally exercised both executive and legislative powers concurrently with the Congress. To ensure that Georgia could make itself heard in the rest of America, the provincial

¹¹⁸ *Zubly writings*, 123-61; Address of the Provincial Congress to the King, 10 July 1775, *Am. Rev. Docs.*, 11: 46-47.

¹¹⁹ *RRG*, 1: 259; James Wright to the Earl of Dartmouth, 16 September 1775, *Am. Rev. Docs.*, 11: 115.

representatives named three delegates to the Continental Congress in Philadelphia. This time, the chosen gentlemen accepted the duty.¹²⁰

The two most vital priorities in the provincial bid for authority were gaining power over the militia and control of Indian affairs. In June 1775, Wright conceded that he already viewed the militia with a suspicious eye. He had nominated and commissioned the officers and therefore felt he could rely on the loyalty of most of them, but they in turn could not guarantee the loyalty of their men.¹²¹ Within three months, most of those loyal commanders no longer held their positions. The Council of Safety—which took the leading hand in military affairs—saw the officers as the key to gaining control of the militia, much as the stamp masters had been the key to defeating enforcement the Stamp Act. The Council decreed that since many commanders were “disagreeable to the people over whom they Command,” henceforth the rank and file of each militia company should choose their military leaders through elections just as they did their civilian representatives. Furthermore, the governor did not possess the right to dismiss any militia officer without giving him a fair and legal trial by jury.¹²² Since the majority of the populace supported the Whig cause by mid-1775, these two policies resulted in the selection of patriot officers whom the governor could not remove.

The first incidents in the militia takeover caught the governor and Council somewhat by surprise in late July 1775. A Savannah Lieutenant complained that his company had ejected and then replaced him after he refused to sign a pledge of obedience to the

¹²⁰ *CGHS*, 5 part 1: 12.

¹²¹ James Wright to the Earl of Dartmouth, 9 June 1775, *Am. Rev. Docs.*, 9: 168.

¹²² *CRG*, 12: 422.

Provincial and Continental Congresses. The following day, a militiaman from Ebenezer requested that the governor bow to the will of the people and confirm the commission bestowed upon him by his men. Wright of course refused to acquiesce to such a diminishment of his powers. He and the Council protested the two actions as “very irregular and improper,” but could do nothing to reverse them.¹²³

On 8 August 1775, Wright finally received the Council of Safety’s justification for its militia policy. “When the powers of Government seem to be greatly relaxed, and Legal Proceedings diverted from their accustomed Channel,” explained the provincial body, citizens had to depend on each other to maintain peace and order. Therefore the colony could not tolerate untrustworthy officers. Throughout August 1775, company after company mustered and demanded that their commanders sign a pledge of loyalty to the Provincial Congress. Those that refused were replaced by candidates elected by the rank and file. Wright correctly deduced that the intent was “to Wrest the Power and Command of the Militia from the Crown, . . . and vest it in the Congress and Committees.” By the beginning of September, the process was complete. The governor informed London that “officers have been chosen by every company of militia in the province.” The men now served under colonial rather than royal authority.¹²⁴

The Provincial Congress and Council of Safety also moved to usurp power over Indian relations. In July, they dispatched special agents to negotiate with the Creeks and Cherokees to keep them happy and neutral. The provisional rebel government sent 2,000 pounds of newly captured gunpowder as a present. The Congress made it clear that

¹²³ *CGHS*, 10: 36-37.

¹²⁴ *CRG*, 12: 421-33; James Wright to the Earl of Dartmouth, 16 September 1775, *Am. Rev. Docs.*, 11: 114.

this gift came not from the King or government, but from the *people* of Georgia. Wright concluded that such an action would “raise strange ideas” amongst the local tribes—which was exactly the intent. By October 1775, the Council of Safety had established a regular channel for communications between Natives and Georgians. The royal Superintendent of Indian Affairs found his influence in the Indian country greatly diminished.¹²⁵

When the provincial government dislodged the Crown as the driving force behind Indian relations, many western settlers abandoned their support for royal authority and joined the patriot cause. In the fall of 1775, a party of backcountry militia besieged a Ranger stockade. Though no shots were fired, the commanding officer was forced to surrender and abandon the outpost. The conquerors then sent a messenger to the Council of Safety for further instructions. Though the provincial Council ordered that the fort be handed back to the rangers, a frustrated Wright came to the realization that “the poison has infected the whole province.” Within a month of the incident, the governor received reports that people in the “back parts” of the colony had begun forming private societies with the intention of “setting up for themselves.” Those involved in the conspiracy declared that the Provincial Congress and Council of Safety were now the legitimate government in Georgia, and that the people should no longer apply to royal officials for anything.¹²⁶

¹²⁵ James Wright to the Earl of Dartmouth, 18 July 1775, *ibid.*, 11: 49; James Wright to the Earl of Dartmouth, 17 August 1775, *CGHS*, 3 part 2: 207; James Wright to the Earl of Dartmouth, 14 October 1775, *Am. Rev. Docs.*, 11: 145.

¹²⁶ James Wright to the Earl of Dartmouth, 14 October 1775, *Am. Rev. Docs.*, 11: 144; James Wright to the Earl of Dartmouth, 1 November 1775, *ibid.*, 11: 169.

Wright lashed out against his opponents in impotent rage. Unable to challenge their actions, he instead mocked their backgrounds and social status. The Savannah parochial committee, he said, were “a parcel of the lowest people,” consisting of carpenters, shoemakers, blacksmiths, and other manual laborers. He admitted that the Provincial Congress and Council of Safety contained some planters and merchants of the “better sort,” but he thought them of “inferior class.” “It is really terrible,” he told his superiors, “that such people should be suffered to overturn the civil government and most arbitrarily determine upon and sport with other men’s lives, liberties and properties.”¹²⁷ In essence, he attributed the outbreak of rebellion entirely to the flawed and inferior characters of patriot leaders. Even when faced with a hopeless situation, Wright’s elitism asserted itself and he refused to see the larger picture. These manual laborers were the chosen defenders of American liberty. They had become so out of necessity only because the colonial system would not adequately accommodate claims to liberty and local authority. The rebellion in Georgia and the rest of America occurred not because the colonists failed their King, but because the King’s representatives had failed the people.

Though Wright thought little of the abilities of colonial leaders, he had long before come to the conclusion that his government could do nothing to stem the tide of rebellion. As early as June 1775 he asked for permission to resign and set sail for England. There was no point in trying to prosecute individuals for the illegal proceedings, he reported, because such action would prove completely ineffective and further inflame resentment against the mother country. The Council gave its concurring opinion that royal proclamations would be met with nothing but contempt. The Provincial Congress had so

¹²⁷ James Wright to the Earl of Dartmouth, 19 December 1775, *ibid.*, 11: 214-15.

successfully usurped all the powers that formerly belonged to the governor and other royal officials that Wright saw no point in remaining on the scene as a “mere nominal governor.” By the end of 1775, the governor’s friends and supporters were “daily falling off” and seeking refuge in safer areas in the British Empire. “Law and government are nearly if not quite annihilated,” he conceded.¹²⁸

The one remaining obstacle to the establishment of complete colonial control over Georgia was James Wright. So long as he remained free, he was a potential rallying point for supporters of royal authority. The arrival of several British ships off Tybee Island at the mouth of Savannah during the first two weeks of 1776 finally prompted the provincial government to take decisive action against him. Wright could not be allowed to communicate and plot with officers aboard the vessels. Therefore, the Council of Safety on 18 January 1776 ordered the arrest and imprisonment of their governor and other leading royal officials. Members of the King’s Council were ordered to remain in their homes for the night and pledge on the following day that they would not leave the city nor give any information or aid to the warships off the coast. On 20 January 1776, these same terms of parole were extended to Wright.¹²⁹

The following four weeks must have been agony for the governor, but he did not accept his lot as a given. On the night of 11 February 1776, Wright slipped out of his home and made his way to the anchored warships at three o’clock the following morning. Safely onboard H.M.S. *Scarborough*, he exhorted his Council to save Georgians “from that total ruin and destruction which . . . I most clearly see at the threshold of their doors.”

¹²⁸ James Wright to the Earl of Dartmouth, 9, 17 June, *ibid.*, 9: 167-68, 176; 8 July, 16 November 1775, *ibid.*, 11: 43, 180.

¹²⁹ *CGHS*, 5 part 1: 38-40.

He urged inhabitants to accept the peace and mercy of the King and abandon their current seditious plans.¹³⁰ The gesture was an empty one—offered halfheartedly and never considered. For a time, the once and future governor watched from afar looking in vain for signs that saner heads had prevailed in the colony. He would return in 1779 at the head of a conquering army, but for now he was powerless to stem the tide of revolution. In March 1776, Wright and the *Scarborough* turned towards the sea and cast off, carrying with them the last tattered shreds of royal authority.

¹³⁰ *RRG*, 1: 269-72.

CONCLUSION

Modern historiography has largely attributed Georgia's entry into the Revolution to outside forces. In his excellent study of the revolutionary era in Georgia, Kenneth Coleman paused his narrative after Wright's departure to consider the province's decision to overthrow the royal government. He first cataloged the various reasons why the colonists proved so reluctant and disorganized in their opposition to imperial measures: religious and ethnic diversity, sparse population, military vulnerability, a strong governor, a weak assembly, and a divided Whig leadership. What, then, explains their eventual decision for independence? According to Coleman, local patriots emulated and imitated their more radical counterparts in the rest of America. Georgians would not have rebelled against England without outside intervention. South Carolina, Virginia, and

Massachusetts dragged Georgia into the fight. Concludes Coleman: “There would certainly have been no revolution had it been left to Georgians to begin!”¹

W. W. Abbot’s impressive study of Reynolds, Ellis, and Wright offers a similar argument. According to Abbot, Governor Wright was largely correct in insisting “long and loud that his overthrow was due to the evil influence of the other colonies upon his charge.” When the rest of America took radical action in 1774 and 1775, Georgia had a feeling of being left out of some great historical event. Residents were concerned that their inaction would be interpreted as cowardice, and therefore meekly followed the lead of older provinces. Abbot joins Coleman in attributing the revolutionary movement in Georgia to outside agitation: “Georgia was borne into the Revolution by forces from the outside which, by their strength and wide compass, swept aside local and personal considerations, leaving the conviction that Georgia needs must share the fate of the rest of America.”²

The present study concludes that Georgia did not overthrow royal authority because of early modern peer pressure. Rather, the tensions between liberty and authority that eventually led to independence were present in the province from its birth, much as they were in other American colonies. This is not to argue that the American Revolution in Georgia began in 1732, or that it was inevitable. From 1732-1765, most Georgians firmly believed that the British system could—and with a little urging would—create an acceptable balance between local and imperial authority. For many years, it appeared as though Savannah and London leaders working together might reach this desired goal.

¹ Coleman, *American Revolution in Georgia*, 75.

² Abbot, *Royal Governors of Georgia*, 182.

After the Stamp Act, however, colonial hopes and expectations eventually disintegrated in the face of England's stubborn insistence that Georgia and the rest of America acknowledge the absolute and unrestricted supremacy of the Crown and Parliament. When enough individuals concluded that local authority and liberty were no longer possible under British rule, Georgia's patriot movement reached a critical mass and the province joined its compatriots in the creation of new forms of government and authority.

Georgia's state government during the war for independence was conceived in reaction to the perceived faults of royal administration. The executive was weak, chosen by the legislature, and replaced with great frequency.³ Most authority rested in the single chamber Assembly, elected every year by the people. In addition, voting was more widespread. Land and wealth requirements were greatly reduced, making it easier for residents to gain the franchise. Citizens could exercise their electoral power over a larger number of offices. Some county officials were chosen by the state Assembly, but most were selected by voters of the county. The goal was to spread authority broadly enough throughout the state that the government could not again threaten liberty.⁴

Despite these experimental efforts, the American Revolution did not resolve the tension between liberty and authority, nor the friction between local and central power. No longer seeking greater colonial self-government, Georgians in the late eighteenth and early nineteenth centuries instead found themselves advocating "states' rights" in the face

³ Initially, the executive branch consisted of a President and the Council of Safety, re-elected every six months by the Provincial Congress. After 1777, the Governor and his council were chosen by the Congress on an annual basis.

⁴ Coleman, *American Revolution in Georgia*, 76-94.

of perceived usurpations of authority by the new federal government. The dance partners had changed, but the song remained the same.

BIBLIOGRAPHY

Manuscript Sources

Hargrett Library, University of Georgia, Athens, Georgia

Telamon Cuyler Papers

Egmont Manuscripts, Phillipps Papers, transcript vols. 1-21.

Keith Read Papers

Perkins Library, Duke University, Durham, North Carolina

Frank Baker Papers

William B. Hamilton Papers

Noble Wimberly Jones Papers

James Edward Oglethorpe Papers

John Reynolds Papers

Georgia Historical Society, Savannah, Georgia

Margaret Davis Cate Papers

Department of Archives and History, Atlanta, Georgia

Manuscript Colonial Records of Georgia, vols. 33-39

33 Entry Books of Commissions, Powers, Instructions, Leases, etc. by the Trustees, 1738-1754.

34 Instructions and Correspondence from the Board of Trade to Georgia Governors, 1754-1781.

35 Original Papers, James Oglethorpe, Trustees, and Others, 1735-1742.

36 -----, 1742-1751.

37 Miscellaneous Correspondence of Georgia's Governors, 1761-1772

38 Part 1: -----, 1772-1775.

Part 2: -----, 1775-1782.

39 Miscellaneous letters and petitions

Published Primary Sources

Acts of the Privy Council, Colonial Series, 1613-1783 6 vols. (London, 1908-12).

Baine, Rodney and Phinizy Spalding, ed. *Some Account of the Design of the Trustees for Establishing Colonys in America by James Edward Oglethorpe* (Athens, Ga., 1990).

Baker, Frank, ed. *The Works of John Wesley* 34 vols. to date (Oxford, 1975-).

Calendar of State Papers, Colonial Series, America and West Indies 44 vols. to date (London, 1860-).

Candler, Allen D., ed. *The Revolutionary Records of Georgia* 3 vols. (Atlanta, 1908).

Collections of the Georgia Historical Society 20 vols. to date (Savannah, 1840-).

- 3 part 2 Letters from General Oglethorpe to the Trustees, 1735-1744
Letters from Governor James Wright to the Secretaries of State, 1774-1782
- 5 part 1 Proceedings of the First Provincial Congress, 1775
Proceedings of the Georgia Council of Safety, 1775-1777
- 6 The Letters of Hon. James Habersham, 1756-1775
- 10 Minutes of the Governor and Council, 1774-1775, 1779-1780.
- 13 The Letter Book of Thomas Rasberry, 1758-1761
- 17 The Jones Family Papers, 1760-1810
- 20 Selected Eighteenth Century Manuscripts

Colonial Records of the State of Georgia. vols. 1-19, 21-26 ed. Allen D. Candler and Lucian L. Knight (Atlanta, 1904-16); vols. 20, 27-29 ed. Kenneth Coleman and Milton Ready (Athens, Ga., 1982-85); vols. 30-32 ed. Kenneth Coleman (Athens, Ga., 1985-89).

- 1 Georgia Charter, Laws, and Minutes of the Trustees, 1732-1752.
- 2 Minutes of the Common Council, 1732-1752.
- 3 Accounts, Monies, and Effects, 1732-1752.
- 4 William Stephens Journal, 1737-1740.
- 4 supplement William Stephens Journal, 1740-1741.
- 5 Journal of the Earl of Egmont, 1738-1744.
- 6 Proceedings of the President and Assistants, 1741-1754.
- 7 Proceedings and Minutes of the Governor and Council, 1754-1759.
- 8 -----, 1759-1762.
- 9 -----, 1763-1766.
- 10 -----, 1767-1769.
- 11 -----, 1770-1771.
- 12 -----, 1771-1782.
- 13 Journal of the Commons House of Assembly, 1755-1762.
- 14 -----, 1763-1768.
- 15 -----, 1769-1783.
- 16 Journal of the Upper House of Assembly, 1755-1762.
- 17 -----, 1763-1774
- 18 Royal Statutes, 1754-1768.
- 19 part 1 -----, 1768-1773.
- 19 part 2 -----, 1774-1805.
- 20 Original Papers of the Trustees, Oglethorpe, 1732-1735.
- 21 -----, 1735-1737.
- 22 part 1 -----, 1737-1739.
- 22 part 2 -----, 1737-1740.
- 23 -----, 1741-1742.

- 24 -----, 1742-1745.
- 25 -----, 1745-1750.
- 26 -----, 1750-1754.
- 27 Papers of John Reynolds, 1754-1756.
- 28 part 1 Papers of Reynolds, Ellis, and Wright, 1756-1763.
- 28 part 2 -----, 1764-1782.
- 29 Trustees Letter Book, 1732-1738.
- 30 -----, 1738-1745.
- 31 -----, 1745-1752.
- 32 Entry Books of Commissions, Powers, Instructions, Leases, etc. by the Trustees, 1732-1738.

Coulter, E. Merton, ed. *The Journal of William Stephens, 1741-1745* 2 volumes (Athens Ga., 1958).

-----, ed. *The Journal of Peter Gordon, 1732-1735* (Athens, Ga., 1963).

Davies, K. G., ed., *Documents of the American Revolution, 1770-1783, Colonial Office* 21 vols. (Shannon and Dublin, Ireland, 1972-80).

Ellis, Henry. "An Account of the Weather in Georgia," *Annual Register* (1760): 92-93.

Georgia Gazette.

Hawes, Lilla M., ed. "Proceedings of the President and Assistants in Council of Georgia, 1749-1751," *Georgia Historical Quarterly*, Part 1, 35(1951): 323-50, Part 2, 36(1952): 46-70.

-----, ed. "Letters to the Georgia Colonial Agent, July, 1762, to January, 1771," *Georgia Historical Quarterly* 36(1952): 250-86.

-----, ed. *Lachlan McIntosh Papers in the University of Georgia Libraries* (Athens, Ga., 1968).

Historical Manuscripts Commission. "Manuscripts of Captain Howard Vincente Knox," *Report on Manuscripts in Various Collections* vol. 6 (London, 1908), 81-296.

Journal of the Commissioners for Trade and Plantations 14 vols. (London, 1920-38).

Labaree, Leonard Woods, ed. *Royal Instructions to British Colonial Governors, 1670-1776* (New York, 1935).

Labaree, Leonard Woods and Whitfield J. Bell, Jr., ed. *The Papers of Benjamin Franklin* 35 vols. to date (New Haven, Conn., 1959-).

Lane, Mills, ed. *General Oglethorpe's Georgia: Colonial Letters* 2 vols. (Savannah, 1975).

Logan, William. "Journal of a Journey to Georgia, 1745," *Pennsylvania Magazine of History and Biography* 36(1912): 1-16, 162-86.

McPherson, Robert G., ed. "The Voyage of the Anne—A Daily Record," *Georgia Historical Quarterly* 44 (1960): 220-30.

-----, ed. *Journal of the Earl of Egmont: Abstracts of the Trustee Proceedings for Establishing the Colony of Georgia* (Athens, Ga., 1962).

Miller, Randall M., ed. *A Warm and Zealous Spirit: John J. Zubly and the American Revolution, a Selection of His Writings* (Macon, Ga., 1982).

Montgomery, Robert. *The Most Delightful Golden Islands; being a proposal for the establishment of a colony in the country to the south of Carolina* ed. by Kenneth Coleman (Atlanta, 1969).

Moore, Francis. *A Voyage to Georgia Begun in the Year 1735* (London, 1744), reprint edition (Jacksonville, Fla., 1992).

Pennsylvania Gazette.

Reese, Trevor R., ed. *The Most Delightful Country in the Universe: Promotional Literature of the Colony of Georgia, 1717-1734* (Savannah, 1972).

-----, ed. *The Clamorous Malcontents: Criticisms & Defenses of the Colony of Georgia* (Savannah, 1973).

Roberts, Richard A., ed. *Diary of Viscount Percival, afterwards First Earl of Egmont* 3 vols. (London, 1920-22).

Saye, Albert B. "Commission and Instructions of Governor John Reynolds, August 6, 1754," *Georgia Historical Quarterly* 30(1946): 125-62.

South Carolina Gazette.

Stephens, Thomas. *The Castle-Builders; or the History of William Stephens, of the Isle of Wight, Esq., Lately Deceased* 2nd edition (London, 1759).

Surrency, Erwin C., ed. "A Letter from William Knox to James Habersham," *Georgia Historical Quarterly* 34(1950): 341-42.

- Telford, John, ed. *The Journal of the Rev. Charles Wesley: the Early Journal* (1909; reprint edition, Taylor, S.C., 1977).
- Tinling, Marion, ed. *The Correspondence of the Three William Byrds of Westover, Virginia, 1684-1776* (Charlottesville, Va., 1977).
- Van Horne, John C., ed. *Religious Philanthropy and Colonial Slavery: the American Correspondence of the Associates of Dr. Bray, 1717-1777* (Urbana, Ill., 1985).
- Ver Steeg, Clarence L., ed. *A True and Historical Narrative of the Colony of Georgia by Pat. Tailfer and Others with Comments by the Earl of Egmont* (Athens, Ga., 1960).

Secondary Works

- Abbot, W. W. *The Royal Governors of Georgia, 1754-1775* (Chapel Hill, 1959).
- Ammerman, David. *In the Common Cause: American Response to the Coercive Acts of 1774* (Charlottesville, Va., 1974).
- Anderson, Fred. *A People's Army: Massachusetts Soldiers and Society in the Seven Years War* (Chapel Hill, 1984).
- Ayers, Philip J. *Classical Culture and the Idea of Rome in Eighteenth-Century England* (New York, 1997).
- Baine, Rodney. "James Oglethorpe and the Parliamentary Election of 1754," *Georgia Historical Quarterly* 71(1987): 451-60.
- , "James Oglethorpe and the Early Promotional Literature of Georgia," *William and Mary Quarterly* 3rd series 45(1988): 100-106.
- , "The Prison Death of Robert Castell and its Effect on the Founding of Georgia," *Georgia Historical Quarterly* 73(1989): 67-78.
- , "Myths of Mary Musgrove," *Georgia Historical Quarterly* 76(1992): 428-35.
- , "Indian Slavery in Colonial Georgia," *Georgia Historical Quarterly* 79(1995): 418-24.
- Baine, Rodney M. and Mary E. Williams. "Oglethorpe's Early Military Campaigns," *Yale University Library Gazette* 60(October 1985): 63-76.
- , "Oglethorpe's Missing Years," *Georgia Historical Quarterly* 69(1985): 193-210.

Bailyn, Bernard. *The Ideological Origins of the American Revolution* (Cambridge, Mass., 1968).

-----, *The Origins of American Politics* (New York, 1968).

-----, *The Peopling of British North America: An Introduction* (New York, 1986).

-----, *Voyagers to the West: a Passage in the Peopling of America on the Eve of the Revolution* (New York, 1986).

Basye, Arthur H. *The Lords Commissioners of Trade and Plantations, Commonly Known as the Board of Trade, 1748-1782* (New Haven, Conn., 1925).

Beattie, John M. *Crime and the Courts in England, 1660-1800* (Oxford, 1986).

Bonomi, Patricia U. *Under the Cope of Heaven: Religion, Society and Politics in Colonial America* (New York, 1986).

Boorstin, Daniel. *The Americans: The Colonial Experience* (New York, 1958).

Boys, Richard C. "General Oglethorpe and the Muses," *Georgia Historical Quarterly* 31(1947): 19-29.

Brewer, Holly. "Entailing Aristocracy in Colonial Virginia: 'Ancient Feudal Restraints' and Revolutionary Reform," *William and Mary Quarterly* 3rd series 54(1997): 307-46.

Brock, Leslie. *The Currency System of the American Colonies, 1700-1760* (New York, 1975).

Bullion, John L. *A Great and Necessary Measure: George Grenville and the Genesis of the Stamp Act, 1763-1765* (Princeton, 1982).

Cashin, Edward J. "James Oglethorpe's Account of the 1745 Escape of the Scots at Shap," *Georgia Historical Quarterly* 76(1992): 87-99.

-----, "Governor Henry Ellis and the American Colonial Frontier," *Gulf Coast Historical Review* 7(1992): 17-30.

-----, *Governor Henry Ellis and the Transformation of British North America* (Athens, Ga., 1994).

Cates, Gerald L. "The Seasoning': Disease and Death Among the First Colonists of Georgia," *Georgia Historical Quarterly* 64(1979): 146-58.

- Chaplin, J. E. "Slavery and the Principle of Humanity: A Modern Idea in the Early Lower South," *Journal of Social History* 24(1990): 299-315.
- Chesnutt, David. *South Carolina's Expansion into Colonial Georgia, 1720-1765* (New York, 1989).
- Clark, J. C. D. *English Society: Ideology, Social Structure and Political Practice during the Ancien Regime* (Cambridge, 1985).
- , *The Language of Liberty, 1660-1832: Political Discourse and Social Dynamics in the Anglo-American World* (Cambridge, 1994).
- Church, Leslie. *Oglethorpe: a Study of Philanthropy in England and Georgia* (London, 1932).
- Cohen, Hennig. "Two Poems from English Magazines on the Naming of Georgia," *Georgia Historical Quarterly* 35(1951): 319-22.
- , "Two Colonial Poems on the Settling of Georgia," *Georgia Historical Quarterly* 37(1953): 129-36.
- Cole, Richard C. "James Oglethorpe as Revolutionary Propagandist: The Case of Corsica, 1768," *Georgia Historical Quarterly* 74(1990): 463-74.
- Coleman, Peter J. *Debtors and Creditors in America: Insolvency, Imprisonment for Debt, and Bankruptcy, 1607-1900* (Madison, Wis., 1974).
- Coleman, Kenneth. *The American Revolution in Georgia, 1763-1789* (Athens, Ga., 1958).
- , "The Southern Frontier: Georgia's Founding and the Expansion of South Carolina," *Georgia Historical Quarterly* 56(1972): 163-74.
- , *Colonial Georgia: A History* (New York, 1976).
- Colley, Linda. *In Defiance of Oligarchy: the Tory Party, 1714-1760* (Cambridge, 1982).
- Conroy, David. *In Public Houses: Drink and the Revolution of Authority in Colonial Massachusetts* (Chapel Hill, 1995).
- Corry, John P. "Procedure in the Commons House of Assembly," *Georgia Historical Quarterly* 13(1929): 110-27.

- Crowley, John E. *The Privileges of Independence: Neomercantilism and the American Revolution* (Baltimore, 1993).
- Coulter, E. Merton. "When John Wesley Preached in Georgia," *Georgia Historical Quarterly* 9(1925): 317-51.
- , "Mary Musgrove, 'Queen of the Creeks,'" *Georgia Historical Quarterly* 11(1927): 1-30.
- Crane, Verner W. "The Promotion Literature of Georgia," in *Bibliographical Essays: A Tribute to Wilberforce Eames* (Cambridge, 1924), 281-98.
- , "The Origins of Georgia," *Georgia Historical Quarterly* 14(1930): 93-110.
- , "Dr. Thomas Bray and the Charitable Colony Project, 1730," *William and Mary Quarterly* 3rd series 19(1962): 49-63.
- Currey, Cecil B. *Road to Revolution: Benjamin Franklin in England, 1765-1775* (Garden City, N.Y., 1968).
- Daniel, Marjorie. "John Joachim Zubly—Georgia Pamphleteer of the Revolution," *Georgia Historical Quarterly* 19(1935): 1-16.
- Davis, Harold E. *The Fledgling Province: Social and Cultural Life in Colonial Georgia, 1733-1776* (Chapel Hill, 1976).
- , "The Scissors Thesis, or Frustrated Expectations as a Cause of The Revolution in Georgia," *Georgia Historical Quarterly* 61(1977): 246-57.
- Davis, Richard Beale. *Intellectual Life in the Colonial South, 1585-1763* 3 vols. (Knoxville, 1978).
- De Vorsey, Louis, Jr. *The Georgia—South Carolina Boundary: a Problem in Historical Geography* (Athens, Ga., 1982).
- Dickinson, H. T. *Liberty and Property: Political Ideology in Eighteenth-Century Britain* (London, 1977).
- Dinkin, Robert J. *Voting in Provincial America: a Study of Elections in the Thirteen Colonies, 1689-1776* (Westport, Conn., 1977).
- Dunn, Richard S. "The Trustees and the House of Commons, 1732-1752," *William and Mary Quarterly* 3rd series 11(1954): 551-65.

- Ellefson, C. Ashley. "James Habersham and Georgia Loyalism, 1764-1775," *Georgia Historical Quarterly* 44(1960): 360-80.
- , "The Stamp Act in Georgia," *Georgia Historical Quarterly* 46(1962): 1-19.
- Ernst, Joseph A. *Money and Politics in America, 1755-1775: a Study in the Currency Act of 1764 and the Political Economy of the Revolution* (Chapel Hill, 1973).
- Ettinger, Amos Aschbach. *James Edward Oglethorpe: Imperial Idealist* (Oxford, 1936).
- Fant, H. B. "The Indian Trade Policy of the Trustees for Establishing the Colony of Georgia in America," *Georgia Historical Quarterly* 15(1931): 207-22.
- , "The Prohibition Policy of the Trustees for Establishing the Colony of Georgia in America," *Georgia Historical Quarterly* 17(1933): 286-92.
- , "Financing the Colonization of Georgia," *Georgia Historical Quarterly* 20(1936): 1-29.
- , "Picturesque Thomas Coram, Projector of Two Georgias and Father of the London Foundling Hospital," *Georgia Historical Quarterly* 32(1948): 77-104.
- Flippin, Percy S. "The Royal Government in Georgia," *Georgia Historical Quarterly* 8(1924): 1-37, 81-120, 243-91; 9(1925): 187-245; 10 (1926): 1-25, 251-76; 12(1928): 326-52; 13(1929): 128-53.
- Frey, Sylvia. *The British Soldier and America: A Social History of Military Life in the Revolutionary Period* (Austin, 1981).
- Galenson, David. *White Servitude in Colonial America: an Economic Analysis* (Cambridge, 1981).
- Gallay, Allan. *The Formation of a Planter Elite: Jonathan Bryan and the Southern Colonial Frontier* (Athens, Ga., 1989).
- Gray, Ralph and Betty Wood. "The Transition from Indentured to Involuntary Servitude in Colonial Georgia," *Explorations in Economic History* 13(1976): 353-70.
- Greenberg, Douglas. *Crime and Law Enforcement in the Colony of New York, 1691-1776* (Ithaca, N.Y., 1976).
- Greene, Jack P. *The Quest for Power: the Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776* (New York, 1963).

- , *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607-1788* (Athens, Ga., 1986).
- , *Pursuits of Happiness: the Social Development of Early Modern British Colonies and the Formation of American Culture* (Chapel Hill, 1988).
- Gunn, J. A. W. *Beyond Liberty and Property: the Process of Self-Recognition in Eighteenth-Century Political Thought* (Kingston, 1983).
- Hamer, Marguerite Bartlett. "Edmund Gray and His Settlement at New Hanover," *Georgia Historical Quarterly* 13(1929): 1-12.
- Harrold, Francis. "Colonial Siblings: Georgia's Relationship with South Carolina During the Pre-Revolutionary Period," *Georgia Historical Quarterly* 73(1989): 707-44.
- Henretta, James A. *"Salutary Neglect": Colonial Administration Under the Duke of Newcastle* (Princeton, 1972).
- Hicks, Philip Stephen. *Neoclassical History and English Culture: from Clarendon to Hume* (New York, 1996).
- Isaac, Rhys. *The Transformation of Virginia, 1740-1790* (Chapel Hill, 1982).
- Ivers, Larry E. *British Drums on the Southern Frontier: the Military Colonization of Georgia, 1733-1749* (Chapel Hill, 1974).
- Jackson, Harvey H. "The Darien Antislavery Petition of 1739 and the Georgia Plan," *William and Mary Quarterly* 3rd series 34(1977): 618-31.
- Jackson, Harvey H., and Phinizy Spalding, ed. *Forty Years of Diversity: Essays on Colonial Georgia* (Athens, Ga., 1984).
- Jones, Charles C., Jr. *The Dead Towns of Georgia* (Savannah, 1878).
- , *The History of Georgia* 2 vols. (Boston, 1883).
- Jones, George Fenwick. *The Georgia Dutch: from the Rhine and Danube to the Savannah, 1733-1783* (Athens, Ga., 1992).
- Kammen, Michael. *A Rope of Sand: the Colonial Agents, British Politics, and the American Revolution* (Ithaca, N.Y., 1968).
- , *Empire and Interest: the American Colonies and the Politics of Mercantilism* (New York, 1970).

- , *Spheres of Liberty: Changing Perceptions of Liberty in American Culture* (Madison, Wis., 1986).
- Keith-Lucas, Bryan. *The Unreformed Local Government System* (London, 1980).
- Kolp, John G. *Gentlemen and Freeholders: Electoral Politics in Colonial Virginia* (Baltimore, 1998).
- Kropf, C. R. "The Availability of Literature to Eighteenth Century Georgia Readers," *Georgia Historical Quarterly* 66(1979): 353-63.
- Labaree, Benjamin W. *The Boston Tea Party* (New York, 1964).
- Labaree, Leonard W. *Royal Government in America: a Study of the British Colonial System before 1783* (New Haven, Conn., 1930).
- Landau, N. *Justices of the Peace, 1679-1760* (Berkeley, 1984).
- Langford, Paul. *A Polite and Commercial People: England, 1727-1783* (New York, 1989).
- , *Public Life and the Propertied Englishman, 1689-1798* (Oxford, 1991).
- Leach, Douglas E. *Roots of Conflict: British Armed Forces and Colonial Americans* (Chapel Hill, 1986).
- Leder, Lawrence H. *Liberty and Authority: Early American Political Ideology, 1689-1763* (Chicago, 1969).
- Lees, Lynn Hollen. *The Solidarities of Strangers: the English Poor Laws and the People, 1700-1948* (Cambridge, 1998).
- Lonn, Ella. *The Colonial Agents of the Southern Colonies* (Chapel Hill, 1945).
- Maier, Pauline. *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York, 1972).
- Main, Jackson Turner. *The Upper House in Revolutionary America, 1763-1788* (Madison, Wis., 1967).
- Martin, Roger A. "John J. Zubly Comes to America," *Georgia Historical Quarterly* 61(1977): 125-39.
- Marshall, Dorothy. *The English Poor in the Eighteenth Century: a Study of Social and Administrative History* (London, 1926).

- Marston, Jerrilyn Greene. *King and Congress: the Transfer of Political Legitimacy, 1774-1776* (Princeton, 1987).
- McCain, James Ross. *Georgia as a Proprietary Province: the Execution of a Trust* (Boston, 1917).
- McCusker, John J. and Russell R. Menard. *the Economy of British North America, 1607-1789* (Chapel Hill, 1985).
- McKinstry, Thomas. "Silk Culture in the Colony of Georgia," *Georgia Historical Quarterly* 14(1930): 225-35.
- Meroney, Geraldine. "The London Entrepot Merchants and the Georgia Colony," *William and Mary Quarterly* 3rd series 25(1968): 230-44.
- Middlekauf, Robert. *The Glorious Cause: the American Revolution, 1763-1789* (New York, 1982).
- Miller, Randall M. "The Failure of the Colony of Georgia Under the Trustees," *Georgia Historical Quarterly* 53(1969): 1-17.
- , "Stamp Act in Colonial Georgia," *Georgia Historical Quarterly* 56(1972): 318-31.
- Montgomery, Horace, ed. *Georgians in Profile: Historical Essays in Honor of Ellis Merton Coulter* (Athens, Ga., 1958).
- Morgan, David T. "John Wesley's Sojourn in Georgia Revisited," *Georgia Historical Quarterly* 64(1980): 253-62.
- , "A New Look at Benjamin Franklin as Georgia's Colonial Agent," *Georgia Historical Quarterly* 68(1984): 221-32.
- Morgan, Edmund S. and Helen M. Morgan. *The Stamp Act Crisis: Prologue to Revolution* revised edition (New York, 1962).
- Morgan, Philip D. *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill, 1998).
- Nash, Gary B. "Poverty and Poor Relief in Pre-Revolutionary Philadelphia," *William and Mary Quarterly* 3rd series 33(1975): 3-30.
- O'Gorman, Frank. *Voters, Patrons, and Parties: the Unreformed Electorate of Hanoverian England, 1734-1832* (Oxford, 1989).

- , *The Long Eighteenth Century: British Political and Social History, 1688-1832* (New York, 1997).
- Owen, David R. and Michael C. Tolley. *Courts of Admiralty in Colonial America: the Maryland Experience, 1634-1776* (Durham, N.C., 1995).
- Oxley, Geoffrey W. *Poor Relief in England and Wales, 1601-1834* (Newton Abbot, 1974).
- Parker, Anthony W. *Scottish Highlanders in Colonial Georgia: the Recruitment, Emigration, and Settlement at Darien, 1735-1748* (Athens, Ga., 1997).
- Peckham, Howard H. *Pontiac and the Indian Uprising* (Princeton, N.J., 1947).
- Pennington, Edgar Legare. "The Reverend Samuel Quincy, S.P.G. Missionary," *Georgia Historical Quarterly* 11(1927): 157-65.
- Perkins, Eunice Ross. "John Joachim Zubly Georgia's Conscientious Objector," *Georgia Historical Quarterly* 15(1931): 313-23.
- Pole, J. R. *Political Representation in England and the Origins of the American Republic* (New York, 1966).
- Potter, David M. Jr. "The Rise of the Plantation System in Georgia," *Georgia Historical Quarterly* 16(1932):114-35.
- Ready, Milton. "The Georgia Concept: An Eighteenth Century Experiment in Colonization," *Georgia Historical Quarterly* 55(1971): 157-76.
- , "Land Tenure in Trusteeship Georgia," *Agricultural History* 48(1974): 353-68.
- , *The Castle-Builders: Georgia's Economy Under the Trustees, 1732-1754* (New York, 1978).
- Reid, John Phillip. *The Concept of Liberty in the Age of the American Revolution* (Chicago, 1988).
- Reese, Trevor R. *Colonial Georgia: a Study in British Imperial Policy in the Eighteenth Century* (Athens, Ga., 1963).
- Roach, S. F. "The Georgia Gazette and the Stamp Act: A Reconsideration," *Georgia Historical Quarterly* 55(1971): 471-91.
- Roberts, R. A. "The Birth of An American State: Georgia," *Transactions of the Royal Historical Society* 4th series 6(1922): 22-50.

- Rogers, Alan. *Empire and Liberty: American Resistance to British Authority, 1755-1763* (Berkeley, 1974).
- Rogers, Nicholas. *Whigs and Cities: Popular Politics in the Age of Walpole and Pitt* (Oxford, 1989).
- Royster, Charles. *A Revolutionary People at War: the Continental Army & American Character, 1775-1783* (Chapel Hill, 1979).
- Ryerson, Richard Alan. *The Revolution is Now Begun: the Radical Committees of Philadelphia, 1765-1776* (Philadelphia, 1978).
- Saye, Albert B. "The Genesis of Georgia: Merchants as Well as Ministers," *Georgia Historical Quarterly* 24(1940): 191-206.
- , "Was Georgia a Debtor Colony?" *Georgia Historical Quarterly* 24(1940): 323-52.
- , *New Viewpoints in Georgia History* (Athens, Ga., 1943).
- , "The Genesis of Georgia Reviewed," *Georgia Historical Quarterly* 50(1966): 153-61.
- Scarborough, Ruth. *Opposition to Slavery in Georgia prior to 1861* (Nashville, 1933).
- Schwoerer, Lois G. *"No Standing Armies!": the Antiarmy Ideology in Seventeenth-Century England* (Baltimore, 1974).
- Sedgewick, Romney. *The House of Commons, 1715-1754: a History of Parliament* 2 volumes (Oxford, 1970).
- Sharpe, J. A. *Crime in Early Modern England 1550-1750* revised edition (New York, 1999).
- Shy, John. *Toward Lexington: the Role of the British Army in the Coming of the American Revolution* (Princeton, 1965).
- , *A People Numerous and Armed: Reflections on the Military Struggle for American Independence* (New York, 1976).
- Smith, Henry A. M. "Purrysburgh," *South Carolina Historical and Genealogical Magazine* 10(1909): 187-219.
- Smith, Julia Floyd. *Slavery and Rice Culture in Low Country Georgia, 1750-1860* (Knoxville, 1985).

- Sosin, Jack M. *Agents and Merchants: British Colonial Policy and the Origins of the American Revolution, 1763-1775* (Lincoln, Neb., 1965).
- Spalding, Phinizy. "South Carolina and Georgia: The Early Days," *South Carolina Historical Magazine* 69(1968): 83-96.
- , *Oglethorpe in America* (Chicago, 1977).
- , "Oglethorpe, Georgia, and the Spanish Threat," *Georgia Historical Quarterly* 78(1994): 461-70.
- Spalding, Phinizy and Harvey H. Jackson, ed. *Oglethorpe in Perspective: Georgia's Founder after Two Hundred Years* (Tuscaloosa, Ala., 1989).
- Speck, W. A. *Stability and Strife: England, 1714-1760* (Cambridge, 1979).
- Steele, Ian K. *Politics of Colonial Policy: the Board of Trade in Colonial Administration, 1696-1720* (Oxford, 1968).
- Stephen, Sir Leslie and Sir Sidney Lee, ed. *Dictionary of National Biography* 22 vols. (London, 1949-50).
- Stevens, William B. "Sketch of the Life of James Habersham," *Georgia Historical Quarterly* 3(1919): 151-68.
- Strickland, Reba C. "The Mercantile System as Applied to Georgia," *Georgia Historical Quarterly* 22(1938): 160-68.
- Sydnor, Charles. *Gentlemen Freeholders: Political Practices in Washington's Virginia* (Chapel Hill, 1952).
- Taylor, Paul S. "Colonizing Georgia, 1732-1752: A Statistical Note," *William and Mary Quarterly* 3rd series 22(1965): 119-27.
- , *The Georgia Plan, 1732-1752* (Berkeley, 1972).
- Thompson, Peter. *Rum Punch & Revolution: Taverngoing & Public Life in Eighteenth-Century Philadelphia* (Philadelphia, 1999).
- Troxler, Carole Watterson. "William Stephens and the Georgia 'Malcontents': Conciliation, Conflict, and Capitulation," *Georgia Historical Quarterly* 68(1983): 3-34.

Ubbelohde, Carl. *The Vice-Admiralty Courts and the American Revolution* (Chapel Hill, 1960).

Waller, Tom. "Henry Ellis, Enlightenment Gentleman," *Georgia Historical Quarterly* 64(1979): 364-76.

Webb, Sidney and Beatrice. *English Local Government* 9 vols. (London, 1906-29).

Weir, Robert M. *Colonial South Carolina: a History* (Millwood, N.Y., 1983).

Wilms, Douglas C. "The Development of Rice Culture in 18th Century Georgia," *Southeastern Geographer* 12(1972): 45-57.

Wilson, Adrian. "Conflict, Consensus, and Charity: Politics and the Provincial Voluntary Hospitals in the Eighteenth Century," *English Historical Review* 111(1996): 599-619.

Withuhn, William L. "Salzburgers and Slavery: A Problem of Mentalite," *Georgia Historical Quarterly* 58(1984): 173-93.

Wood, Betty. "Thomas Stephens and the Introduction of Black Slavery in Georgia," *Georgia Historical Quarterly* 58(1974): 24-40.

-----, "A Note on the Georgia Malcontents," *Georgia Historical Quarterly* 63(1979): 264-78.

-----, *Slavery in Colonial Georgia, 1730-1775* (Athens, Ga., 1984).

Young, Ann O'Quinn. "Thomas Causton and Georgia's First Five Years," *Atlanta History* 36(1992): 5-12.

Young, Jeffrey Robert. *Domesticating Slavery: the Master Class in Georgia and South Carolina, 1670-1837* (Chapel Hill, 1999).

Dissertations and Theses

Bornet, Vaughn Davis. "The Struggle for Government Power in Georgia, 1754-1757," (M.A. Thesis, Emory University, 1940).

Hewitt, Gary Livingston. "Expansion and Improvement: Land, People, and Politics in South Carolina and Georgia, 1690-1745," (Ph.D. Diss., Princeton University, 1996).

Lipscomb, Robert G. "Land Granting in Colonial Georgia," (M.A. Thesis, University of Georgia, 1970).

Statom, Thomas R., Jr. "Negro Slavery in Eighteenth Century Georgia," (Ph.D. Diss., University of Alabama, 1982).

Williams, John Rumbley. "Maritime Justice in Colonial Georgia," (Ph.D. Diss., Auburn University, 1987).

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