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"Actuated by the fear of loosing their all": civilian response to the Revolutionary War in Georgia

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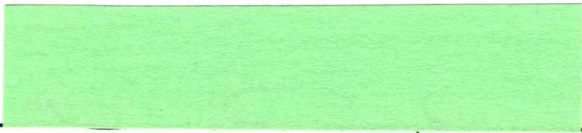
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"ACTUATED BY THE FEAR OF LOOSING THEIR ALL":
CIVILIAN RESPONSE TO THE REVOLUTIONARY WAR IN GEORGIA,
1775 - 1782


BY
LESLIE HALL

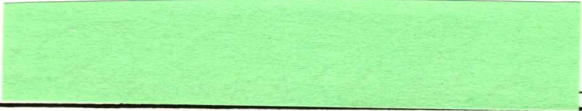
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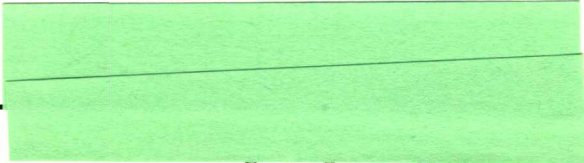

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Leslie Hall

October 23, 2014

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A Thesis
Presented to
The Faculty of
Western Washington University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Leslie Hall
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ABSTRACT

Between 1775 and 1782 Georgia was wracked by social and political revolutions, as well as a local civil war. Britain and the United States wanted Georgia, and during the Revolutionary War they established competing civil governments and military units within her borders. Irregular troops, autonomous militia units and unaligned marauders roamed the countryside, while the military requisitioned property and claimed booty. As the threat of famine and anarchy grew, the rival governments struggled to keep people from fleeing Georgia, and allowed a flexible allegiance in order to maintain the population. Many who survived these years in Georgia did so by setting aside any political convictions they might have held and supporting the local government in power. They did this in order to protect and retain their property, if not add to it. The end result was that political authority shifted from a planter elite to a broadly-based electorate.

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The process of researching and writing this thesis has been meaningful to me. I wish to express my gratitude to several people who have helped me along my path. August Radke has given me consistent and friendly encouragement for many years. Elizabeth Mancke has offered perceptive comments on colonial politics that have helped me to refine my arguments. Alan Gallay has generously shared his knowledge about the colonial south and the art of writing history and I have benefitted significantly from his teaching. The affectionate patience of my husband, Fred Sodt, has enabled me to do my work.

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I. INTRODUCTION

The people of Georgia experienced enormous hardship during the troubled time between 1775 and 1782. Their lives were complicated by the British reestablishing a civil government there in 1778, after an hiatus of nearly three years. In addition to rival governments, Georgia also contained rival military forces, none of which could protect people from the violence of plundering bands. War conditions interrupted the cycle of planting and harvesting crops, threatening all with famine. Despite this chaotic environment, many people stayed on their land, and I will try to show how their strong motivation to do so governed their war-time behavior.

I have looked at the majority of Georgians during this time as essentially nonpartisan: they responded to the Revolutionary War in political, rather than ideological terms. Both sides set up similar civil governments within Georgia, and the citizens focused their attention on maintaining these governments rather than selecting one or the other for ideological reasons. I hope to create the impression that Georgians were not distinctly separate groups of people, one on the winning side and one on the losing side of the war. Rather, they were a population that shared a colonial background, lived as neighbors and tried to keep their property and families together during a time

of violence and near anarchy. Although essentially without ideology, the population of Georgia operated within a complex political environment between 1775-1782.

Georgia was the only one of the revolting colonies to have British civil government reinstated during the Revolutionary War and this government was in competition with the state government much of the time. Rivalry began in July 1775, when rebels in Georgia formed themselves into an assembly, created a provincial government and aligned themselves with the Continental Congress. Royal Governor James Wright saw his governmental power steadily give way to that of the rebel government and in March 1776 he, along with most members of the royal government, left Georgia. The government had no competition from the British for nearly three years. In late December 1778 British invasion forces reoccupied Savannah and the surrounding countryside. From this time until July 1782, royal government contested with the state government for civil authority. Outright competition was sporadic, however, for the state had a difficult time keeping a government functioning. Between the late fall of 1779 and early 1780 factionalism split the government into two separate Assemblies. Although one central government was re-established in January 1780, it lasted only five months and between May 1780 and July 1781, there was no state government functioning in Georgia at all. Revitalized by military success in the back country, state

government returned in July 1781 and witnessed the British evacuation in July 1782. The population had ample opportunity to study and participate in the creation, maintenance and erosion of civil authority.

Although valuable strategically as well as in resources such as rice, slaves, and indigo, Georgia received little military attention from either the Continental Congress or the British government during the Revolutionary War. This had its affect upon the resident population and civil governments. When the British invaded in December 1778, no defense was initiated by the Continental Army. Continental troops under General Benjamin Lincoln temporarily supplemented state militia forces during 1779, but these were withdrawn in 1780. By this time most British troops that had been part of the invasion force had left the area as well. For the next year and a half state and loyalist militia, augmented somewhat by British soldiers left garrisoned in Savannah, skirmished indecisively. Because of this military seesaw and lack of interest by either the Continental Congress or the British government in providing strong military support, plunderers and the approach of famine nearly overwhelmed the resident population. When Brigadier General Anthony Wayne of the Continental Army came into Georgia in early 1782, he acted decisively, combining his forces with those of the state militia to drive the loyalists and remaining British troops down to Savannah and

hold them there. Georgia was evacuated by the British and at that time the Continental troops also left. Although once again protected only by the militia, Georgia waited out the last year of the Revolutionary War in relative peace.

My interest lies in the resident population of Georgia and their response to the circumstances of living under the rule of competing governments during a time of political and social revolution, and local civil war. In the chapters that follow I will attempt to give an idea of the rebel and royal structures of civil authority created by the citizens, the pressures allegiance placed upon government and military authorities and the resident population, and the threat placed upon government and property holders by the almost overwhelming activity of plundering.

A number of questions have occurred to me as I have become better acquainted with the citizens of Georgia. I have done my best to arrive at answers, and by so doing I hope that I might succeed in sketching a picture that suggests what the populace lived through and what they accomplished during this chaotic and complex period of time in Georgia's history.

Why were the rebels reluctant to let go of royal Governor James Wright, as a man and as an authority figure representing British colonial rule, even as they formed their own government? Political factions had been present since the Stamp Act in 1765, and Georgians had called a

provincial assembly in 1775 and quickly set about gaining civil and military power. Yet, Wright was referred to as the governor of Georgia by rebel delegates to the Continental Congress and, until January 1776, the royal government continued to meet.

What did the competing governments offer to the Georgians that they found convincing and worthy of support? Colonial government was established in 1754, after a trustee period of 21 years; by 1775 Georgians had become accustomed to a representative government led by competent individuals. Prior to the formation of the first rebel assembly, Colonial political power had been in the hands of an elite group of wealthy men. Many of these elite were unwilling in 1775 to play a part in the formation of provincial government or were unavailable to reestablish a royal government, when the opportunity arose in 1778. During the Revolutionary War, government, particularly rebel government, was held in the hands of the inexperienced.

How did the resident population manage the formality of allegiance to the competing civil and military authorities and what did these competing authorities need from the resident population? Once the rebels aligned themselves with the Continental Congress, they attempted to control the population by demanding their support of political and economic measures. This coercion did not prove to be very successful and after British civil authority was reinstated,

neither competing authority could coerce allegiance from the resident population. This change was due to the fact that the resident population of Georgia lived increasingly on the edge of survival and required delicate treatment from military and civil authorities alike in order to stay on their land and be cooperative. Without a civilian presence, neither competing government could claim political ownership of Georgia; without civilian provender, neither military force could remain.

What kept the incessant and brutal depredations wreaked by plunderers upon the population of Georgia from overwhelming civil government? The chaos that increasingly existed after 1775 tested the stamina of every person who lived there, as well as the strength of civil government. Lack of military support left civil authorities and the population standing between plunderers and anarchy.

What motivated the people of Georgia to remain and so tenaciously support civil authority in the midst of war is the primary question of this thesis. I hope to show that they stayed in order to retain possession of their property and possibly acquire more. Many, if not all, Georgians were affected by the social revolution that occurred just prior to and during the Revolutionary War. The long-held control of politics and land was transferred from the colonial elite to a newly enfranchised and politically inexperienced electorate. Although the war provided Georgians with the

opportunity to increase their holdings through governmental confiscation of estates, at the same time it unleashed chaotic and violent conditions that threatened the ability of owners to retain the property they already possessed. The resident population of Georgia kept anarchy at bay by repeatedly forming representative governments which they believed were capable of protecting their property. Although this faith in civil authority turned out to be well placed, it was sorely tried and tested before the end of the Revolutionary War.

My understanding of the history of Georgia has been enhanced by several collections of essays. Ronald Hoffman's essay "The 'Disaffected' in the Revolutionary South" in The American Revolution: Explorations in the History of American Radicalism and essays by Edward J. Cashin, Harvey H. Jackson and W. W. Abbot in Forty Years of Diversity and An Uncivil War discussed the rampant civil strife occurring in Georgia during the Revolution and its affect upon the population. In my thesis I hope to further examine the civilian population's response to civil strife, its flexible allegiance to both rebel and royal governments and armies, and its non-partisan response to the Revolution.

I will tell the story of Georgia between 1775-1782 three times in the following chapters, each time with a different focus on events. The chapter "Civil Governments" will concentrate on the formation and dissolution of civil

authority and the role the population, motivated by self interest, played in this process. Next, the changing character of official authority, both civil and military, over the resident population will be examined in the chapter "Oaths and Allegiance." Finally, the chapter "Plundering" will focus on the near anarchical conditions that existed in Georgia and how the civil governments survived. To set the scene and prepare the reader for the coming social and political revolutions, the chapter "Royal Georgia" will provide background information on the colony through March 1776. These four chapters will concentrate upon bringing out the fact that property was the motivating force behind the actions of the population. This self-interest, more strongly felt than any political ideology, compelled the citizens of Georgia to push the fluid social structure created by political revolution and local civil war into a new shape that gave them far more political power and autonomy than they experienced under colonial government.

II. ROYAL GEORGIA

This is a Frontier Province, bordering upon the Indian and too near the Spanish Settlements both of which e'er long may be our declared Enemies. It is extensive, without Populous Habitation, and a dreadful enemy within its Bosom, and an Assault from Either of these might be an excitement to the others, and would reduce the Inhabitants to the Miserable Alternative, either of being Sacrificed or evacuating the Province.¹

Many people were sacrificed and many fled before the Revolutionary War ended in Georgia, although neither the Spanish, the Indians nor the slaves proved to be the decisive enemy. White men, colonial and European, nearly destroyed Georgia and brought it to the brink of famine before the British finally withdrew in 1782. Georgia endured, in large measure, due to a tenacious population of landowners who were determined to live under representative government.

Despite its frontier status, Georgia had a history of representative government and its citizens were keenly aware of the advantages of civil authority. Those who lived in Georgia between 1775 and 1782 had the job of surviving in a theatre of war where power changed hands regularly. In the backcountry, for instance, citizens were placed in the position of aligning themselves with the rebel/republican government in 1775-6, the royal in January 1779, the rebel

¹Lilla M. Hawes, ed., "Proceedings and Minutes of the Governor and Council of Georgia, October 4, 1774 through November 7, 1775 and September 6, 1779 through September 20, 1780," Georgia Historical Quarterly, 10 (1952), p. 38.

in January-February 1779, the royal in 1780 and the rebel in 1780-1. Savannah citizens aligned themselves with the rebel/republican in 1775-8, the royal in late 1778-79, and the state in July 1782. In addition, Georgia citizens also had to survive civil unrest in the form of marauding bands of murdering plunderers, armed and roving slaves, troops in search of booty, jealous and incompetent officials, Indians, and near famine. To establish civil government under these circumstances was a monumental task, but a necessary one if the citizens were to have legal representation, keep the courts and civic offices functioning, and monitor the military. In fact, it was because of these devastations that Georgians repeatedly turned to civil government as a way of protecting their property.

Georgia was a tempting frontier. Before the war an elite group had grown wealthy on great rice plantations along the Atlantic seacoast. New settlers wanted to obtain land freely and the bordering Indian Territory promised the potential for increased land availability. Both the British and the American military reviewed Georgia's strategic value and found it of interest. Both sides, as well as outlaws found rich supplies of slaves, cattle, rice, and indigo. Georgia offered opportunity.

Savannah was the capital of Georgia. Founded in 1734, the town was "situated on the Banks of the River of that Name on a Sand Bank of which your Shoes are full in crossing

a Street."² A Hessian soldier stationed there during the war wrote "There is nothing to be seen here but white sand, no stones; the sand is so deep that walking in it is just like walking through fresh fallen snow a foot deep."³ Later on the sand proved an inadequate medium for the burial of bodies and offal, but a most successful medium for absorbing the direct hit of cannon balls and putting out their fuses.⁴ One no doubt picked one's way carefully through the streets of Savannah, or, if elite, was carried in a chair to the theater, Council meetings, shops and mansions of one's friends.

Stephen DeLancey, a New York-born officer in the British invasion force, described the inhabitants of Savannah as : "Sallow and in general disgusting. Pale faces and large swollen Bellies proceeding from the Fever and Ague seem to be the Characteristics of the Georgia Ladies and their speech is so negroish that I cannot help imagining

²"Stephen DeLancey Writes to His Wife", ed. Catherine S. Crary, The Price of Loyalty: Tory Writings from the Revolutionary Era (McGraw-Hill Book Company, 1973), p. 272.

³"Letter from Savannah January 16, 1779", trans. Ray Waldron Pettengill, Letters From America 1776-1779 (Boston: Houghton Mifflin Company, 1924), p. 202.

⁴A Narrative of the Official Conduct of Anthony Stokes of the Inner Temple, London. Barrister at Law; His Majesty's Chief Justice and One of His Council of Georgia and of the Dangers and Distresses He Underwent in the Cause of Government; Some Copies of which are printed for the Information of His Friends (London: 1784), pp. 68-69; Elizabeth Lightenstone Johnston, Recollections of a Georgia Loyalist (New York: M.F. Mansfield and Company, 1901), pp. 57-58.

that some of them cannot boast of a Number of Ancestors thoroughly White."⁵ Slaves served their owners in town and worked the outlying rice plantations. Just arrived from New York, DeLancey was not used to how they were treated by their owners. "The Negro's and Negro Women are inhumanly treated, are two-thirds naked, and are very disgusting to the Eye and another Sense, Tho I begin to be more habituated to the Sight, yet I cannot be to the great Cruelty made Use of to the poor ignorant Wretches." He continued, "At what an Expence of Life and Happiness do we eat Rice and Sugar! One thing more I must add, that their Diet is almost entirely on Rice and sweet Potatoes as they are allowed Meat but once a year."⁶ Inhumanely treated as they appeared to be, these slaves were highly valued monetarily by their owners and prime objects of plunder.

Indians were a familiar sight on the streets of Savannah as well. A network of trade alliances had been established by the British government with the various tribes. In return for skins, the British supplied the Indians with guns, ammunition and other goods. These Indians, predominately Creek, posed a deadly threat to the white and black population of Georgia and were frequently annoyed by the incursions of settlers into their territory.

The marshes and stagnant water so necessary to the rice

⁵Crary, Price of Loyalty, p. 273.

⁶Ibid.

cultivation that took place around Savannah made it an unhealthy place to live. A Hessian soldier wrote "three or four times, yes, every year up to forty (for the inhabitants rarely get older there) they have fever."⁷ In fact, many Georgians lived long lives, but many also died young. And the hot climate necessary for the rice was hard on the inhabitants. Both Delancey and the Hessian soldier noted that they had no need of a fire for warmth, even though it was January.⁸ The Hessian repeated a story told to him about the summer heat being "so warm that they boil eggs in the sand, yes, can often roast meat in it."⁹

Savannah was the largest town and Georgia had few others of any size. Located 17 miles upriver from the ocean, Savannah "is situated upon a tableland or bluff forty feet in height above the level of the river. . . This tableland falls gradually back from the river and loses itself insensibly in the country. The Savannah River embraces its front, a continued wood its rear, and considerable tracts of rice swamps cover both its flanks."¹⁰ Upriver from Savannah were Ebenezer, founded

⁷Pettengill, Letters from America, p. 203.

⁸Crory, Price of Loyalty, pp. 272-273; Pettengill, Letters from America, p. 202.

⁹Pettengill, Letters from America, p. 202.

¹⁰Documents of the American Revolution 1770-1783, ed. K.G. Davies, Colonial Office Series, 25 vols. (Dublin: Irish University Press, 1974), vol. 17, p. 39.

in 1736 and Augusta, founded in 1735. Ebenezer, 22 miles from Savannah, was described by Lieutenant-Colonel Archibald Campbell as "a small straggling Town on the Bank of the River Savannah, mostly inhabited with Dutch [Salzburgers], and situated between two deep Swamps, over which two Wooden Bridges communicate to the Country."¹¹ Augusta, 130 miles upriver from the capitol, was located near the Upper Creek Path already long in use by Indians and traders. The biggest settlement in the back country, Augusta "consisted of a Number of straggling Houses, arranged in a long Street lying parallel to the River; at the Distance of 100 Yards. The great Road leading from the lower Country entered the South end of the Town at Right Angles to this Street, and after passing it, extended to the Ferry, which goes across to South Carolina. The Savannah River was not less than 200 Yards in Breadth, 10 feet deep, and the Stream moderately quick."¹²

A few other settlements dotted the landscape of Georgia. Connected by road to Augusta and west of it was Wrightsborough, a Quaker settlement founded in 1767 near the Ceded Lands. To the west was the hamlet of Queensborough, founded in 1768 and settled by Irish immigrants. It

¹¹Archibald Campbell, Journal of an Expedition Against the Rebels of Georgia in North America Under the Orders of Archibald Campbell Esquire Lieutenant Colonel of His Majesty's Regiment 1778, ed. Colin Campbell (Darien: Ashantilly Press, 1981), p. 34.

¹²Ibid., p. 54.

bordered Indian Territory along the Ogeechee River and was linked to Savannah by road. The coast line contained numerous off shore islands and several settlements. Those linked to Savannah by road were Sunbury, a Puritan settlement and the port for Midway; Darien, a Scots settlement founded in 1736; and Midway, settled in 1754.

Prior to the formation of the provincial government in 1775, colonial Georgia maintained a healthy respect for the authority of the crown. A poor frontier colony, Georgia was dependent upon the British government. It required British trade goods to keep the Creek Indians placated, British military units for defense against the Creek and other potential enemies, and royal authority to maintain a government and provide civil law over the sparsely settled area. The population of Georgia was well-schooled in the advantages of representative government under colonial rule and did not easily give up its connection with royal government officials.

Colonial Georgia had a bicameral legislature or Assembly. The upper house, or Council, was filled with men recommended by the governor and appointed by the King.¹³ These men usually had been raised in Great Britain and were concerned with maintaining royal authority. The lower house, or Commons, was filled with elected representatives

¹³Jackson Turner Main, The Upper House in Revolutionary America 1763-1788 (Madison, Milwaukee and London: University of Wisconsin Press, 1967), p. 3.

from the parishes. White males twenty-one years of age and older who possessed 50 acres of land could vote; ownership of 500 acres qualified a voter to sit in the legislature.

The Council's control of land regulation and distribution gave it power. Ostensibly, each head of household was entitled to 100 acres of land for himself and an additional 50 acres for each member of his household, including slaves, under Georgia's charter. Petitioners for a freehold of land were required to appear before the Council, swear to the number of persons in their household and describe the land they wanted. If the council granted their petition, they had six months to register a survey of their land and then they received a grant signed by the governor. However, it was not easy to obtain the best land unless one had the support of the Council, or better yet, were a council member.¹⁴

The Crown granted the best rice land along the coast to a small group of men, creating a plantation elite that after 1760, with all of the rice land taken, did not expand.¹⁵ During the governorship of James Wright (1760-1776; 1779-1782), the great land holders illegally held on to crown land by not meeting the requirements stipulated in the royal grant. Instead of cultivating the stated number of acres

¹⁴Alan Galloway, The Formation of a Planter Elite: Jonathan Bryan and the Southern Colonial Frontier (Athens: University of Georgia Press, 1989), pp. 90-91.

¹⁵Ibid., pp. 90, 101.

within the stated period of time on each grant of land, they combined the required amount of acreage to be placed in cultivation from their various grants and cultivated this amount on a grant of their choosing. They left other grants unimproved, which forfeited their legal claim to them. They ignored this point of law, however, and claimed property not legally theirs in order to hold on to it for future development or sale.¹⁶

With the cession of 2.5 million acres of land in 1763 by the Creek Indians, the Council granted land to settlers above the town of Augusta, opening up Georgia to colonization by yeoman farmers.¹⁷ These yeomen voted, as was their right as land owners and sent representatives to the Assembly. But the political power of Georgia rested with the landed elite, who sat on the Council or who knew someone who did.

This power was flexed in 1755-56, when Council members, as well as many leading citizens of Georgia, petitioned the Board of Trade to remove John Reynolds, the first royal governor of Georgia. The Board responded by sending Henry

¹⁶The Royal Commission on the Losses and Services of American Loyalists 1783-1785. Being the Notes of Mr. Daniel Parker Coke, M.P. One of the Commissioners During That Period, ed. Hugh Edward Egerton (New York: Arno Press and The New York Times, 1969), pp. 2-3.

¹⁷Gallay, The Formation of a Planter Elite, p. 101.

Ellis to replace him.¹⁸ Henry Ellis was governor from February 1757 until October 1760, when James Wright took over. Both men worked well with their assemblies and until 1765, there were no major conflicts.¹⁹

When the news came in the spring of 1765 that a stamp tax would be imposed upon the colonies by Parliament, Georgia politics began to factionalize. Most political leaders agreed that the tax was not a good idea, in practical terms, for the stamped paper had to be paid for with specie, and silver and gold were hard to come by in Georgia. The stamps were required on all legal documents, newspapers, pamphlets and ships clearance papers. In political terms, the Stamp Act brought into question the right of Parliament to levy taxes on the colonies, a job many felt belonged to the colonial assemblies.²⁰ The conflict lay in how to oppose the tax: through petition in order to gain repeal; or through the use of physical violence to prevent the stamp collector and the stamped paper from entering the colony or the tax being collected.²¹

During the following months Governor Wright was able to

¹⁸W. W. Abbot, Royal Governors of Georgia, 1754-1775 (Chapel Hill: University of North Carolina Press, 1959), pp. 50-51.

¹⁹Ibid., pp. 57-102.

²⁰Gallay, The Formation of Planter Elite, pp. 112-114.

²¹Abbot, Royal Governors, p. 106.

maintain control of the colony by executive discretion in applying the law and deft accommodation of opposing factions. Until such time as stamps were available in Georgia, the governor allowed ships to clear customs. This put the port of Savannah at an advantage over nearby Charleston, as well as the closed ports of other colonies, where the stamped paper had been received and incoming ships could not unload. Although the port was closed on December 4, by January 7 it was opened and stamped paper was purchased by those interested in having the loaded ships cleared by customs officials for departure. An informal agreement had been reached between the Liberty Boys and merchants of Savannah which enabled the only stamped paper in the thirteen colonies to be sold. But these measures put Georgia at odds with her neighbors and, in addition, no delegates were sent to the Stamp Act Congress held in New York in October.²²

Mobs in Savannah protested the Stamp Act but they never got out of control. On October 25, the anniversary of the accession of King George III, an effigy of a stamp officer was paraded through the streets, hanged and then burned. The Liberty Boys, making their first appearance in Savannah, held a meeting at Machenry's Tavern on October 28 to plan how to encourage the stamp master to resign as soon as he

²²Kenneth Coleman, Colonial Georgia: A History (Milwood, New Jersey: KTO Press, 1989), pp. 246-248.

arrived. On October 29, during a parade celebrating the anniversary of the Gunpowder Plot, sailors set up a scaffold with a stamp master in proxy and pretended to hang him. A crowd threatened to break open the store house where the stamped paper was placed on January 2, 1766. The paper was removed to the guard house, and later that month, to Fort George on Cockspur Island. A mob of 600 - 700 men from the Back Country camped near Savannah in early February to protest. (Their "free" land grants now required a stamp.)²³ Approximately 200 - 300 of them marched into Savannah on February 4 but withdrew when confronted by 50 Rangers and the sailors from the naval vessel *Speedwell*.²⁴

With the help of the Assembly, which met throughout the crisis,²⁵ influential protesters who responded to Wright's personal request to help put an end to the violence,²⁶ and the King's Rangers, Governor Wright was able to outlast the protests and armed mobs that rose in reaction to the Stamp Act. There were several ramifications for this victory felt by the governor and colony. When news of its repeal reached Georgia in June 1767, rumors began to circulate that Governor Wright's upholding of the law had met with

²³Gallay, The Formation of a Planter Elite, p. 112.

²⁴Abbot, Royal Governors, pp. 105-119.

²⁵Coleman, Colonial Georgia, p. 250.

²⁶Abbot, Royal Governors, pp. 119-121.

disapproval in London.²⁷ The fact that Georgia had issued the stamps was publicized throughout the colonies, and this proved an embarrassment to her citizens.²⁸ Although overt protest was carried out by the lower classes, and the planters were relieved to get their rice crops out of Savannah through the purchase of stamped paper being made possible by the governor, this seemingly predictable political separation of rich and poor was now beginning to blur in Georgia. Governor Wright had upheld the law and succeeded in losing the unanimous support of his colony.

Several attempts were made by Georgians to initiate protest against Parliamentary acts over the course of the next seven years, and although these attempts came to nothing, the factions in Georgia were kept alive by what little action there was. When the Assembly considered the Massachusetts circular letter regarding the Townshend Acts in December 1768, Governor Wright prorogued it. These acts placed duties on all paper, glass and paints that were imported into the colonies, and the Massachusetts circular declared that Parliament had no right to levy such taxes. In September 1769, after the repeal of the Townshend Acts, a public meeting was held in Savannah to discuss the nonimportation of unessential British goods. This movement fell apart, but a core group in opposition to Parliament and

²⁷Ibid., p. 121.

²⁸Gallay, The Formation of a Planter Elite, p. 234, nt. 117.

the Crown's representative in Georgia, Governor James Wright, formed in the Assembly by 1771.²⁹

When the Governor would not accept the Assembly's choice of speaker in 1771, the Assembly insisted that it had the right to elect whom it wished. Wright prorogued the assembly in April 1771 and went to England. Acting governor James Habersham prorogued the next assembly in April 1772 over the same question. The December 1772 Assembly met, elected a speaker agreeable to the acting governor and got on with the legislative business that had been accumulating over the past two years. It welcomed Governor Wright back to Georgia in February 1773.³⁰

Although an opposition faction existed in the Assembly in 1773, it had nothing much to protest that could attract support.³¹ The Coercive Acts took effect in Massachusetts in 1774 but many Georgians were more concerned with a potential Creek war and their need for British protection than with circumstances in New England.³² At an August meeting in Savannah organized by a committee of thirty, it was decided not to send delegates to the first Continental

²⁹Ibid., pp. 116-120.

³⁰Abbot, Royal Governors, pp. 155-159.

³¹Gallay, The Formation of a Planter Elite, p. 125.

³²Abbot, Royal Governors, p. 159.

Congress.³³ Delegates were elected in December, however, to attend a provincial congress to be held in Savannah at the same time the Assembly was scheduled to meet.³⁴

Georgia politics reached a new level of complexity when both the colonial Assembly and the rebel provincial congress met in January 1775. At least six men attended both. The provincial congress adjourned in disarray on January 25, unable to formulate an agreement regarding support for the Continental association. The Commons house of the Assembly took up the same issues left unresolved by the provincial congress, but Governor Wright prorogued it on February 10 before it could adopt the association and elect delegates to the next Continental Congress.³⁵ The Colonial Assembly never met again. Although Wright scheduled it to meet on May 9, 1775, a quorum was not possible because the Commons House refused to attend. By the next scheduled date, November 9, 1775, the erosion of royal power was such that Wright had no choice but to cancel it.³⁶

Several attempts to work within the structure of royal government occurred in June 1775, but these were to be the last. Thirty-four prominent Savannah Whigs met on June 13

³³Kenneth Coleman, The American Revolution in Georgia 1763-1789 (Athens and London: University of Georgia Press, 1958), pp. 41-42.

³⁴Ibid., p. 45

³⁵Ibid., pp. 46-49.

³⁶Coleman, Colonial Georgia, p. 268.

and agreed to voice their objections to revenue raising through a petition to the king, to keep the peace and not to harass individuals or molest their property as long as they expressed their opinions decently. At another meeting in Savannah, an agreement was formalized among citizens of various parishes to accept and enforce the resolutions passed by the Continental Congress and the provincial congress, to gain dominance over Parliamentary oppression and to secure reconciliation between America and Great Britain.³⁷ In addition, this group called for a meeting of the provincial congress in July, and set about to elect representatives from all the parishes.³⁸

Well aware of the growing strength of the "liberty people" throughout the spring and summer of 1775, Governor Wright could do nothing but report their activities to his superior in London, Secretary of the Board of Trade, Lord Dartmouth. He had insufficient military strength to back up any legal action he might initiate in response to the usurpation of royal government in Georgia. He found this weakness galling, and repeatedly requested a sloop of war to come to his aid,³⁹ if not a minimum of 500 troops.⁴⁰ He

³⁷Coleman, American Revolution, p. 56.

³⁸Ibid.

³⁹"Letters from Governor Sir James Wright to the Earl of Dartmouth and Lord George Germain, Secretaries of State for America from August 24, 1774 to February 16, 1782", Collections of the Georgia Historical Society (Savannah: Georgia Historical Society, 1901), vol. 3, pt. 4, p. 184.

also cautioned Dartmouth that by lack of British military support, not only were loyal citizens becoming neutral but Britain was losing the province.⁴¹ Wright was further hampered by the fact that the "liberty people" read his mail.⁴²

Governor Wright used what means he had to evince the continued functioning of royal government. Both Chief Justice Anthony Stokes and Governor Wright expressed indignation when confronted with acts of outright usurpation of their royal authority. They knew the people of the colony well, and many of them by name. The breakdown of royal civil authority outraged and amazed them.

Wright continued the practice of publishing legislative information in the Georgia Gazette in order to keep the public informed of governmental action. The November 1, 1775 issue of the paper announced that the General Assembly was to meet on November 7, and the November 15 issue announced the Assembly prorogued. An announcement from the Treasurer's Office appeared in the December 6th issue, reminding makers and owners of a variety of vessels and small boats to purchase their annual license, according to an act of the General Assembly. These announcements at least gave the semblance of regularity.

⁴⁰Hawes, Minutes of Governor and Council, p. 34.

⁴¹Letters of James Wright, p. 222.

⁴²Ibid., p. 194.

The royal council continued to meet and carry on its accustomed business as much as was possible through November 7, 1775.⁴³ Wright wrote Dartmouth for permission to replace deceased Council members, observed the official mourning for the Queen of Denmark, and requested permission to build a new gaol or prison, preferably on the Commons.⁴⁴ The Council met in its chamber in Savannah, but by October 31st was meeting at Governor Wright's residence. Its business was increasingly confined to judicial concerns.

During the summer and fall, jurors and judges began boycotting the royal judicial system. Lengthy and numerous lists of those summoned but not appearing for jury duty were published in the Gazette.⁴⁵ Wright lamented to Dartmouth ". . . they have not yet attempted to obstruct the Court of Chancery, but Except that, I have scarce any Power left, but Proving Wills and Granting Letters of Administration."⁴⁶ At the General Court in October, most of the jurors present refused to be sworn in. Chief Justice Stokes ordered them into the custody of the marshal but they

⁴³Hawes, Minutes of Governor and Council, pp. 47-48.

⁴⁴Letters of James Wright, October 14, 1775, p. 217; November, 1775, p. 218; August 16, 1775, p. 206; September 23, 1775, p. 213.

⁴⁵Georgia Gazette, 1775-1776; 1782-1783, July 18, August 2, September 8, November 1, 1775.

⁴⁶Letters of James Wright, p. 217.

were immediately released on a technicality. Stokes continued to lose control of the judicial system: his assistant judges left him, one of his marshal's bailiffs was prevented, "by menaces", from summoning jurors; there were extralegal committees taking the law into their own hands; and armed men took possession of the courthouse in Savannah.⁴⁷

Furious that attorneys were now obstructing the courts, on December 12, 1775, Stokes requested the newspaper to publish the "Rule of the General Court". This rule stated that any attorney who deliberately delayed his case, thereby supporting the resolution of the provincial congress to shut down the courts, would be struck off the roll (i.e. lose his license). The printer of the newspaper, James Johnston, cautioned Stokes that this policy, if printed "will not only subject some of the King's officers to insult and ill treatment, but may involve all his Majesty's well-disposed subjects here in much trouble." Stokes withdrew the "Rule of the General Court" from publication, respecting Johnston's judgement as to the mood of the people and declared that he would "lodge it with the Prothonotary."⁴⁸ The Council of Safety, learning of this "Rule of the General Court", ordered that the Prothonotary's office be searched,

⁴⁷[Stokes], A Narrative of the Official Conduct, pp. 10, 25-26.

⁴⁸Ibid., pp. 12-19.

but it was not located. The whigs were furious that Stokes should proceed against them in such a derogatory, arbitrary and illegal way.⁴⁹

Soon after this, on January 10, 1776, Stokes announced at the Court of Sessions of Oyer and Terminer and General Gaol Delivery that he would now cease to exercise his office as Chief Justice until such time as his majesty's government was restored and the courts freed from the control of unlawful bodies of men.⁵⁰ Stokes was not willing to risk unleashing violence aimed at loyal citizens in his attempt to maintain some semblance of control over the courts. This potential response to his vilification of the attorneys and the provincial congress indicates that the Chief Justice's stature among the citizens and the judiciary was significant. Not only did it matter to them what he thought and how he acted but they also had to threaten violence in order to get him to withdraw.

Throughout this period of lessening authority, Governor Wright continued to be looked upon as the chief executive of Georgia by the whigs. Although their turning to him on various occasions was in some ways a ceremonial gesture, this behavior indicated a hesitation to break completely with him as an individual and as the representative of the

⁴⁹The Revolutionary Records of Georgia, ed. Allen D. Candler, 3 vols. (Atlanta: Franklin-Turner, 1908), vol. 1, p. 22.

⁵⁰[Stokes], A Narrative of the Official Conduct, pp. 23-25.

crown in Georgia. The second provincial congress, in July 1775, requested Governor Wright appoint an official day of fasting and prayer for the reconciliation of America and Great Britain, which he did.⁵¹ John Hancock, then President of the Continental Congress, commented favorably on this action by the Georgia provincial congress in a letter to General George Washington.⁵² Wright continued to be referred to as governor by Archibald Bullock while he was serving as a delegate to the Continental Congress in September 1775.⁵³

Governor Wright continued to play a role in the defense of Georgia as the rebels struggled to gain control of the militia. The Council of Safety successfully controlled at least a portion of the Grenadier Company and the Light Infantry, stationed at Savannah. In early August 1775, they ordered this group north to Augusta to protect that town from a threatened attack by Thomas Brown, a loyalist. Clearly viewing himself as still in charge of the militia, Governor Wright was indignant that they had not requested his permission to leave Savannah.⁵⁴ If the Council of Safety controlled these Savannah militia men, they did not

⁵¹Coleman, American Revolution, p. 58.

⁵²Paul H. Smith, Gerard W. Gawalt, and Ronald M. Gephart, eds., Letters of Delegates to Congress, vols. 1-19 (Washington, D.C.: Library of Congress, 1976), vol. 1, pp. 663-664.

⁵³Smith, Letters of Delegates to Congress, vol. 2, p. 18.

⁵⁴Letters of James Wright, p. 208.

control Lieutenant Colonel James Grierson of the Augusta militia. He reported to Wright that he had refused to follow their orders during this action.⁵⁵ That same month, the Council of Safety applied to Governor Wright to have him dismiss commissioned militia officers deemed unpopular and commission replacements recommended by the Council of Safety. Wright did not comply, knowing full well that the Council wanted to remove officers supporting British policy.⁵⁶ By seeking his overt compliance with their plans to withdraw competent officers from the militia, the whigs showed their insecurity. They attempted to use Wright as a figure head in order to gain support for their military plans because they realized he continued not only to have some authority over the militia but was a competent military leader trusted by the people.

The rebels toyed with Wright's dignity. Recruiters began coming into Georgia from the Carolinas. In early July 1775 Barnard Elliott, a captain in the South Carolina militia, was in the back parts of the province, enlisting men for the rebel cause.⁵⁷ Later, in August, a whig recruiter named McCarthy appeared in Savannah. Unable to arrest him for recruiting, Chief Justice Stokes brought him

⁵⁵Hawes, Minutes of Governor and Council, p. 46.

⁵⁶Ibid., pp. 37-39.

⁵⁷Letters of James Wright, p. 192; Hawes, Minutes of Governor and Council, p. 29.

in on an attempted murder charge and incarcerated him without bail. A mob released McCarthy and he openly went about his recruiting business the next day, beating his drum as he passed both Wright's and Stokes' homes.⁵⁸ Although Wright and Stokes were unable to exert their civil authority under these circumstances, they apparently retained sufficient personal authority to be allowed to go about their business by the rebels.

Governor Wright also used his waning power to prevent what he viewed as a potential war with the Creek Indians, who were aggravated by the obstruction of their trade agreement with the British. The rebels stole gun powder and ammunition from a public storehouse in Savannah⁵⁹ and later captured incoming shipments, leaving the British Indian agents with nothing to give the Creek.⁶⁰ Wright requested 500 pounds of gun powder from royal Governor Patrick Tonyn of East Florida⁶¹ and he and the royal council decided to inform the Creek of the present lack of available powder. They asked David Tait, British Commissioner to the Creek, to do his utmost to prevent them

⁵⁸Ibid., p. 42; [Stokes], A Narrative of the Official Conduct, pp. 9-10; Letters of James Wright, p. 205.

⁵⁹Hawes, Minutes of Governor and Council, p. 22.

⁶⁰Letters of James Wright, p. 212.

⁶¹Hawes, Minutes of Governor and Council, p. 28.



Recruiter McCarthy beat his drum

from coming down to Savannah in search of powder.⁶² Two members of the Committee of Safety attended a conference called by Wright in late October, 1775, regarding the escalating threat of an Indian war, and Wright believed that an agreement was reached to supply the Indians with their accustomed gunpowder and ammunition so that the trade could be reopened.⁶³ Whether or not Wright was pivotal in reinstating the supply of gun powder and ammunition to the Creek, the rebels did not hinder his efforts and there was no Indian war.

The rebels recognized the value of the defense measures Wright had put in place for the protection of the settlers in the back country against Indian attack. In mid October Wright wrote to his superior, Lord Dartmouth, that the Council of Safety in Savannah, upon learning that a group of back country settlers had captured a small stockade fort garrisoned by a party of royal Rangers, ordered them to give the fort back to the Rangers and to return to their homes.⁶⁴ The rebels needed the back country fortified, and could not afford to lose any protection, no matter that it was provided by royal militia.

Galling as his diminished power was to him, Governor Wright retained enough authority as an individual to be

⁶²Ibid., p. 34.

⁶³Ibid., p. 47.

⁶⁴Letters of James Wright, p. 215.

acknowledged by the rebel government as a valuable man. He retained more than his ceremonial stature during 1775, contesting the growing rebel control and exerting his own at every opportunity. It is quite possible to consider some of the rebels wishing to utilize his experience in governmental matters and his expertise on the affairs of Georgia as they formed their own government, had he been willing to play the role of consultant. Also, some of the leaders were not willing to cut all their ties with the royal government in 1775, for reconciliation was still a possibility. By mid January 1776, however, circumstances had changed. The appearance of British war ships and the potential for armed conflict led the Council of Safety to place the Royal Council and governor under arrest on January 18, 1776.⁶⁵ Perhaps, if the British ships-of-war had not arrived off Tybee Island and occasioned their imprisonment, parole, and subsequent escape, Governor Wright and his Council might have continued to meet and walk the streets of Savannah undisturbed for some time to come.

Between the time Georgians set about creating a provincial government and aligning themselves with the Continental Congress in the summer of 1775 and the effective end of royal government in Georgia in January 1776, the fabric of civil government was stretched tight. While pulling authority away from the royal government, the rebels

⁶⁵Hawes, Minutes of Governor and Council, p. 38.

were simultaneously maintaining a connection with the resident officials of Britain. These royal officials, also maintaining a connection with the rebels, were trying to tug their usurped power back into place. When the breaking point came it was not accompanied by a violent parting. The final snap of separation occurred in an atmosphere of wary tension, an achievement that did credit to both parties. Rebel and royal officials acknowledged the change of power and made every attempt to keep the peace; neither wanted to risk precipitating politically motivated violence among the population. This stance of maintaining the civil peace became the modus operandi for both parties, as they competed for authority in Georgia during the Revolutionary War.

III. CIVIL GOVERNMENTS

Should the great imperial Courts of Europe determine upon reestablishing Peace, the Fate of America will be involved in their Determinations. . . . To establish our Independence with them, we must possess the Country with Arms in our Hands, able to defend it. Should great Britain command the Civil Jurisdiction of any of the States, I know not of any Right that can be brought in Competition with their Claim. For other Nations cannot look into the Merits of our separation, but judge in Chief from our actual Situation. Should we therefore be in Possession of internal Government, and the British Troops confined to Posts, the Merits of our Claims will appear irresistible, and we shall happily preclude the Necessity of continuing the War, when every Friend to his Country must wish for Peace.¹

Both Great Britain and the Continental Congress claimed Georgia as within their jurisdiction through establishing civil government and maintaining a military presence. The rebels created a civil government in Georgia so that they might be a part of the rebellion that later turned into the Revolutionary War. This government expired and revived twice between 1775 and 1782 in response to occupation and desertion by the British. When the British reestablished royal government, they proclaimed laws to protect property, as had the rebel/republicans. In addition, civil law supported the confiscation of abandoned estates and their sale to citizens. The issue of property was complex, and strongly motivated the population of Georgia. They built and rebuilt civil authority in order to protect their property, for the military presence was too weak to do so. At the end of the war, Georgia was indeed a part of the

¹Smith, Letters of Delegates to Congress, vol. 17, p. 377.

United States, state civil government in place and people settled on the land.

The second provincial congress met in Savannah on July 4, 1775 and set about creating a provincial government.² The twelve parishes of Georgia were represented by delegates elected, in many cases, by mass meetings where suffrage qualifications were not enforced.³ On July 6, Georgia aligned itself with the other revolting colonies through a series of sixteen resolutions. They resolved to follow all recommendations of the Continental Congress, adopt the American Declaration or Bill of Rights, and to support the Association, a series of economic sanctions established by the Continental Congress.⁴ Among other business transacted was the election of delegates to the Second Continental Congress.⁵ Representation was reapportioned, districts created and all tax payers given the vote.⁶

The provincial congress set up a hierarchy of committees. A Council of Safety, created on July 17, would act as an executive body when the congress was not in

²Hawes, Minutes of Governor and Council, p. 1.

³Elisha P. Douglass, Rebels and Democrats: The Struggle for Equal Political Rights and Majority Rule During the American Revolution (Chapel Hill: University of North Carolina Press, 1955), p. 343.

⁴Hawes, Minutes of Governor and Council, pp. 5-6.

⁵Ibid., p. 9.

⁶Douglass, Rebels and Democrats, p. 344.

session.⁷ Its members were elected by the provincial congress and it assumed the same legislative and judicial duties and powers as the congress.⁸ A general committee, formed by Savannah delegates and any other person who happened to be in town, saw parochial and district committees and heard appeals from them. These appeals would then be presented to the provincial congress.⁹ Local government in Savannah was assumed by the Parochial Committee.¹⁰ On July 17 the provincial congress adjourned.¹¹

The congress next met on March 8, 1776, in Augusta. It was considered a safer place than Savannah, which was recovering from a battle between British ships and rebel forces over rice supplies.¹² Royal government had come to an end and there was need for a more regularized provincial government. A set of "Rules and Regulations" was formulated and adopted on April 15.¹³

This more formalized governmental structure was needed to establish authority over the various committees and

⁷Coleman, Colonial Georgia, p. 88.

⁸Coleman, American Revolution, p. 62.

⁹Ibid., p. 60.

¹⁰Ibid., p. 63.

¹¹Ibid., p. 61.

¹²Ibid., p. 70.

¹³Ibid., p. 76.

councils now in control of Georgia. The Provincial Congress retained its power to legislate and had control over the executive and judiciary. The President and members of the Council were elected every six months. Congress appointed judges for the General Court, the President and Council appointed magistrates for the parishes. Colonial laws were retained as long as they did not prove inconsistent with those of the Continental Congress or the Provincial Congress. Archibald Bulloch was elected President under this new government. Georgia looked to the Continental Congress for guidance.¹⁴

The Council, essentially a continuation of the Committee or Council of Safety,¹⁵ established government throughout the spring and summer of 1776. Officers were commissioned and militia duty was regularized throughout the province.¹⁶ Fines were ordered collected from non-associates, those who refused to sign the Association.¹⁷ The courts of Georgia was literally put back in order in late May, when the Chief Justice, John Glen, requested that the jury box be retrieved from the town of Ebenezer and

¹⁴Albert Berry Saye, A Constitutional History of Georgia 1732-1945 (Athens: University of Georgia Press, 1948), pp. 92-95.

¹⁵Ibid., p. 93.

¹⁶"Proceedings of the Georgia Council of Safety, 1775-1777", Collections of the Georgia Historical Society (Savannah: Georgia Historical Society, 1901), vol. 5, pt. 1, p. 63.

¹⁷Ibid., p. 57.

installed in the Court House in Savannah. The building needed to be vacated by the guard, cleaned and repaired so that the Court of General Sessions could meet.¹⁸ Constables, justices of the peace and magistrates were sworn in for the various parishes.¹⁹ Despite internal support, the Council found itself in a similar position to Governor Wright in that it lacked strong military support to defend Georgia from its various enemies.

The provincial congress had not directed the delegates to the Continental Congress to vote for independence, but rather to take that action best calculated for the common good. Although three delegates signed the Declaration of Independence, Georgia, as a state, did not declare independence. The Continental Congress declared independence for Georgia and the state was informed of this in a letter received from John Hancock on August 8, 1776. Nor did the state government later reenact the Declaration of Independence, as did the other state legislatures.²⁰ Perhaps the assembly, by choosing to remain subdued in response to the severance of ties with Great Britain, avoided any overt confrontation with the loyalist population.

Georgia's government subordinated itself to the

¹⁸Ibid., p. 56.

¹⁹Candler, Revolutionary Records, vol. 1, pp. 62, 69.

²⁰Saye, Constitutional History, pp. 95-96.

Continental Congress for several reasons. It was important to be in good standing with that governing body in order to benefit from its attention in terms of supplies, money, and armed forces. In addition, the state government relied on the Continental Congress' authority in order to supplement its own. Samuel Adams' description of Georgia in April 1776 epitomizes the image she held in the imagination of delegates from other colonies: " I have not mentioned our little Sister Georgia; but I believe she is warmly engaged in the Cause as any of us, & will do as much as can be reasonably expected of her."²¹ Weak, young, and poor, Georgia was in need of protection and possibly not up to the tasks required of it.²²

The complex and important issue of property was brought to the forefront of provincial government considerations with the departure of royal government from Georgia. Legal confiscation of abandoned loyalist property, the proper application of resultant monies to the maintenance of the provincial government, and the protection of citizens' property were all important issues. It was crucial for the government to uphold civil authority in these areas as wartime conditions enhanced the opportunity for depredations by the military and unaligned outlaw bands.

²¹Smith, Letters of Delegates to Congress, vol. 3, p. 601.

²²Ibid., vol. 8, p. 225; vol. 10, p. 304; vol. 11, p. 251, 506; vol. 17, p. 201.

In these early days, the government considered property cases on an individual basis. On January 2, 1776, the Board of Safety read a petition regarding the kidnapping of indentured servants. In this case, they belonged to loyalist Captain William Manson, who had recently arrived from England. Six of his indentured servants were enticed into the provincial service of South Carolina by Captain John Spencer. They, with a number of armed men, including other recruits of Spencer, attacked his house and pulled down his fence. Manson prevented further violence, took two of his servants into custody, and placed himself under the protection of the Board. The Board required Spencer to return the remaining four men to Manson, which he said he could not do. An armed body of men was then sent to retrieve them and bring them back to Manson.²³ The Board was willing to protect a loyalist and send men to retrieve his servants from service in the provincial army of a neighboring state, thus indicating a strong support for property rights. Perhaps they were also motivated by the threat of British war vessels off the coast and potential reprisals for Spencer's action.

The first part of May, the Council of Safety determined what to do with the property of two of the most senior Crown officials leaving Georgia. John Graham, the royal Lieutenant Governor, was allowed to depart with his family,

²³Candler, Revolutionary Records, vol. 1, pp. 25-26.

necessary servants and provisions for the voyage to England. Initially required to leave his property behind him for the security of his creditors, he was later ordered to give a bond of £10,000 as security to the public.²⁴ In a memorial to Lord George Germain, written after Graham's return to London, he noted that prior to leaving Savannah the rebels had burned 400 barrels of his rice and nearly destroyed his valuable house in town. He claimed to have left in Georgia a fortune of 50 thousand pounds sterling, consisting chiefly of slaves, and felt in all probability that it would be disposed of by the rebels and lost to him.²⁵

Anthony Stokes, royal Chief Justice, also sought permission to leave Georgia with his family in early May. Through his correspondence with Edward Langworthy, secretary to President Archibald Bulloch, he sought the definition of the word "servant" as used in the "Resolutions and Stipulation" issued by the Council of Safety. This document outlined the terms under which he would be released from house arrest and allowed to remain in or depart the province. He was informed that it meant negro slave "as it seems by 'servants', it was understood that Mr. Stokes should take, so many negroes as were necessary to wait upon

²⁴Council of Safety, pp. 47-48.

²⁵Letters of James Wright, p. 377.

him, his lady, and children."²⁶ Stokes was concerned that if his estate was disposed of by rebels, his 33 negroes would be scattered. "The selling and dispersing about those poor people, in my absence, and the making them miserable, by dividing families, and disposing of them to persons they did not like, would perhaps make me more uneasy than the reflection that I had lost so much property".²⁷

Eventually, President Bullock issued him a permit stating that he was "permitted to take with him John Poulain, his overseer, and five negroes, his furniture, sundry trunks, containing his books and apparel; and likewise necessary provisions for his voyage."²⁸ The President and Council allowed him to take only enough slaves to wait upon his family during their voyage to England, while the rest remained as property, presumably, of the state.

Elizabeth Lightenstone Johnston, daughter of loyalist John Lightenstone who fled from the rebels in 1776, recounted in her memoirs:

Commissioners were appointed to confiscate the Loyalists' property and dispose of it as being forfeited because of their not joining the rebels, and my grandfather had a petition drawn up which he made me take . . . to the Board of Commissioners, which set forth the orphan condition I was left in, and petitioned that my father's property might be given to me. This request I have every reason to think was acceded to, as our property was not sold as was that of

²⁶[Stokes], A Narrative of the Official Conduct, pp. 42-43.

²⁷Ibid., p. 40.

²⁸Ibid., pp. 38-43.

many other Loyalists. One or two cases besides mine show that they did give the property to wives and children whose husbands and fathers had been forced away as mine had.²⁹

Women who owned property in the south were acknowledged as having a right to it if they could get it into their possession. Mrs. Dyers successfully petitioned the rebel executive council in late August 1779 to be permitted to go down to Savannah to recover her slaves from the British, at the discretion of the Commanding Officer.³⁰ In October 1780, John Mathews, delegate to the Continental Congress from South Carolina, arranged for his wife to travel to British occupied South Carolina in order to lay claim to her estate.³¹ George Walton, Georgia delegate to the Continental Congress, arranged for his sister-in-law, Ann Sarah Camber, to travel with Mrs. Mathews to Charleston. She would then go on to Savannah, reclaim her slaves and attempt to take them out of Georgia.³² Although these arrangements were made through the highest of channels, George Washington and Sir Henry Clinton, and thus available to only those women well-connected with men in power, there were also women in Georgia such as Mrs. Dyers who were able to take matters more directly into their own hands. Dyers,

²⁹Johnston, Recollections, pp. 46-47.

³⁰Candler, Revolutionary Records, vol. 2, p. 173.

³¹Smith, Letters of Delegates to Congress, vol. 16, pp. 203-204.

³²Ibid., pp. 324-325.

Mrs. Mathews and Miss Camber were willing to go into enemy territory to retrieve their property, and in the case of Mathews and Camber, remain if necessary in order to retain it.

Loyalists who petitioned the rebel government for permission to leave, such as Stokes and Graham, were allowed to take some property with them. They were prisoners on parole, having been held in exchange for the release of rebels Roberts, Demere and Rice.³³ Governor Wright, however, had broken his parole when he sought refuge on the British ship HMS *Scarborough* and thus was not eligible to petition for his property. John Lightenstone escaped arrest and left the country, leaving his daughter to petition. The rebels, motivated through a desire to maintain order, legally bestowed ownership of property to petitioning wives and children of royalists who had fled. They were willing, it appears, to work with people that acknowledged their authority and who wished to remain in Georgia.

The weakness of legal authority created the opportunity for individuals to claim property not legally theirs. The case of the estate of the late William McDaniel, St. George's Parish, is a good example. Due to the courts being closed at the time of his death, his will could not be proved nor letters of administration granted. With no legal

³³[Stokes], A Narrative of the Official Conduct, pp. 31-33.

structure present, Quinten Pooler of Savannah took into his possession slaves from McDaniel's considerable estate, under claim of deed. The Council of Safety, approached by those who felt themselves entitled to the estate, appointed Thomas Burton executor of McDaniel's estate on July 8, 1776. They ordered Quinten Pooler to turn over to Burton those slaves he had taken without due process of the law, which he refused to do. The Council then ordered the Provost Marshal to take Pooler into custody, locate the slaves, who had been hidden, and turn them over to the executor. On July 25 the Council ordered Colonel John Stirk to assist the Provost Marshal in taking Pooler and the slaves into custody.³⁴ Without an operating court system, the Council had to maintain the law through armed force.

Citizens seeking redress for property violations petitioned the Council of Safety for help. Private citizens petitioned the Council requesting that certain individuals be prevented from selling their property before debts could be paid.³⁵ The Council directed officers of the militia to stop and secure the property of those persons leaving Georgia.³⁶ The militia, in turn, were accused of taking slaves belonging to the estate of Clement Martin from

³⁴Council of Safety, vol. 5, pp. 76-77, 80-83.

³⁵*Ibid.*, p. 83.

³⁶*Ibid.*, p. 97.

Cumberland Island.³⁷ The militia were ordered to turn these slaves over to the executors so that proper administration of the estate could be enforced.³⁸ Similarly, Captain William Bryan was ordered by the Board to return to Mr. Douglass various items, including nails and hoes, that had been inappropriately taken from his plantation, presumably by the militia.³⁹ Mr. Hazard claimed that a negro woman and two children, taken with a group of slaves near Wright's Fort, were his property. As a result, the Board decided that they could not be sold along with the other slaves.⁴⁰ Whether royalists fled or formally left the province, much, if not all, of their property remained behind. With royalist estates abandoned and their slaves unsupervised, state militia requisitioning property, people leaving the state without paying their debts and only a rough court system to maintain order, there was ample opportunity for property violations to occur.

President Bulloch called for the election of delegates to a constitutional convention to convene in Savannah in early October.⁴¹ The convention adjourned on February 5,

³⁷Ibid., p. 100.

³⁸Ibid., p. 112.

³⁹Ibid., p. 85.

⁴⁰Ibid., pp. 85-86.

⁴¹Saye, Constitutional History, p. 97; Council of Safety, p.

1777, having created and declared valid a new state constitution. Button Gwinnett became President of the Council of Safety upon the death of Archibald Bulloch in February 1777. An Assembly met in Savannah on May 8 and elected John Adams Treutlen as Governor under the new constitution. Georgia state government operated under this new constitution for the next ten years.⁴²

Georgia's first state constitution was created in the midst of military alarm, with adjournments and reconvenings called as need presented itself.⁴³ Its primary principle was that of the sovereignty of the people. A unicameral legislature was created, called the House of Assembly, and this is where the power lay. The Parishes were renamed and became counties. Representation was based upon the size of the electorate of each county. The franchise was broad, essentially including all white male Protestants aged 21 years or older who had lived in Georgia for six months and had either ten pounds worth of possessions or followed the mechanic trades. A property qualification of 250 acres of land or 250 pounds of personal wealth was stipulated for representatives. The ballot was open and voting was required, although the fine, up to five pounds, was apparently not enforced.⁴⁴ The constitution effectively

⁴²Saye, Constitutional History, pp. 113-116.

⁴³Council of Safety, p. 117.

⁴⁴Coleman, American Revolution, p. 81.

silenced the voice of the conservative elite and placed formation of the government in the hands of the voters, essentially the entire adult white male population of Georgia.

The constitution limited the powers of the executive. The Governor, elected by the legislature for a one year term, could act only upon the advice of the executive council. The legislature elected the executive council from among its own members, with each county having ten representatives in the House of Assembly providing two councilors each. The council voted by county, rather than by individual, with one council member for each county in attendance at all times. Neither the Governor nor the council had veto power over Assembly acts. The Governor was, however, designated commander-in-chief, a potentially powerful position during time of war.⁴⁵

Judicial power was administered primarily within each county, with juries possessing unusual latitude to define the law.⁴⁶ One chief justice and four assistant justices for each county were appointed annually by the legislature for the state. There was no supreme court for the state.⁴⁷ Judgements could be stayed until the first Monday of March and court costs could not exceed three

⁴⁵Saye, Constitutional History, pp. 108-110.

⁴⁶Douglass, Rebels and Democrats, pp. 344-345.

⁴⁷Saye, Constitutional History, pp. 112-113.

pounds, nor could cases remain on the docket for more than two sessions.⁴⁸

The constitution reflected a triumph of the poor over the wealthy and changed the political landscape of Georgia forever. The potential for this transformation had been remarked upon by Governor Wright in a letter to Lord Dartmouth:

In this Province my Lord we are more unhappily Circumstanced, than in any other, for there are very few Men of real Abilities . . . in their Tribunals. The parochial Committee are a Parcel of the Lowest People Chiefly Carpenters, Shoemakers, Blacksmiths etc.⁴⁹

Another royalist, Mary Lightenstone Johnston, commented in her memoirs that in 1776 "everywhere the scum rose to the top."⁵⁰ Conservative republicans shared these sentiments; they were concerned for Georgia's status with the Continental Congress now that the state government was in the hands of the inexperienced, and they were also concerned with their own status as elite property owners.

A land office opened June 7, 1777 and each county set up a committee to inquire into the confiscation of royalist and absentee estates.⁵¹ The state was in need of money,

⁴⁸Douglass, Rebels and Democrats, pp. 344-345.

⁴⁹Letters of James Wright, p. 228.

⁵⁰Johnston, Recollections, p. 45.

⁵¹Edward J. Cashin, " 'But Brothers, It is Our Land We Are Talking About', Winners and Losers in the Georgia Backcountry", An Uncivil War: The Southern Backcountry During the American Revolution, Ronald Hoffman, Thad W. Tate, and Peter J. Albert,

and some feared that the legislature would sell all of the confiscated estates.⁵² The opportunity to acquire abandoned or confiscated land was eagerly awaited by the poor republicans and viewed with some concern by the landed elite, who would not receive preferential treatment by the land office, as they had by the royal council.

Henry Laurens, a delegate to the Continental Congress from South Carolina, possessed extensive land in Georgia and a firm commitment to champion her importance to the other states.⁵³ He wrote to John Wereat, Savannah merchant, conservative republican and Continental prize agent, on August 30, 1777:

I am of the opinion that when the Ruling powers and people of Georgia in general have reflected on the evil consequences which must follow the execution of the 'act for opening a Land Office and for the better Settling and Strengthening the State' in its full extent they will hasten to make Such alterations and exemptions as justice and Sound policy shall dictate.⁵⁴

Laurens then wrote a lengthy letter to Joseph Clay, Savannah merchant, conservative republican and later Deputy Pay Master of Georgia and South Carolina, expressing his

eds. (Charlottesville: University Press of Virginia, 1985), p. 255.

⁵²Letters of Joseph Clay. Merchant of Savanna. 1776-1793, Collections of the Georgia Historical Society, (Savannah: Georgia Historical Society, 1913), vol. 8, pp. 37-38.

⁵³Smith, Letters of Delegates to Congress, vol. 7, p. 519; vol. 11, pp. 533-534.

⁵⁴Ibid., vol. 7, p. 576.

fears that his property in Georgia would be confiscated under this new law and due process ignored. He detailed his position: he was a member of the Continental Congress; he had only abandoned these lands because his property, including a considerable number of slaves, had been attacked by plunderers and the state of Georgia could not provide him with any protection. He asked Clay to intervene and prevent his property from being confiscated.⁵⁵

Joseph Clay wrote Henry Laurens in October that the plan had been formally withdrawn from the legislature. Although many had already selected their lands, it was stopped due to:

the numberless Acts of Injustice they wou'd commit in passing: Widows, Orphans, Minors, Friends absent themselves on various occasions some of them perhaps and not a few risqueing their Lives in the field in our Defence while we are giving their property away.⁵⁶

The legislature acknowledged the necessity of due process.

Clay was concerned that state offices were taken for economic gain alone. Although not a delegate, he described the legislature thus: "we chiefly meet to carve out some way of Fleecing the State, accomplish it in the best manner we can and then break up go home and live on the spoils of our Country."⁵⁷ Urged to accept the post of Deputy Paymaster by Laurens, he reluctantly accepted this paid position in

⁵⁵Ibid., pp. 593-594.

⁵⁶Letters of Joseph Clay, p. 47.

⁵⁷Ibid., p. 48.

Georgia's government in fear that the position might go instead to "some such Hands as a Joe Wood perhaps or one of his Sons or Creatures whom I look upon to be as much real Enemies in effect to this State, from their levelling Principles and Conduct as the King of Great Britain, or any of his Adherants."⁵⁸ Writing to Brigadier General Robert Howe regarding his duties, Clay expressed his hopes for drawing Georgia out of its:

present Distracted Situation and to bring it in some degree of Credit and reputation with its Sister States . . . We are in general Novices as to the knowledge of Government, both Civil and military, and have little means of obtaining information among ourselves.⁵⁹

The poorer republicans had had little or no experience in participating in government, nor had they had the opportunity to develop a tradition of service under royal rule. Now they held the dominant position in politics through the lack of participation in the formation of state government by the leading citizens. This was a difficult transfer of power for the elites such as Joseph Clay and Henry Laurens to witness and accept.

However inexperienced the state government officials might be, settlers turned to them for help. The Council received reports of depredations in Effingham County perpetrated by disaffected individuals, Indians and the Florida Scout, which consisted of armed groups aligned with

⁵⁸Ibid., p. 49.

⁵⁹Ibid., pp. 44-45.

the loyalist cause and stationed in East Florida.⁶⁰ These depredations occurred along the Ogeechee River on the western frontier and became an area of concern for Savannah residents by late September. They feared their slaves and horses would be stolen.⁶¹ The Council sent available militia troops and recommended to the Commander-in-Chief of the Continental Troops that more security be given to those building and garrisoning forts along the southern and western frontiers.⁶² Almost a year later, this area along the Ogeechee was ordered cleared of the small settlements established by the wives of the Florida Scout. They not only provided their husbands with a safe haven in the midst of enemy territory, but gathered and passed along information regarding whig activities as well.⁶³

The Florida Scout, also called the East Florida banditti or the Florida banditti, continually aggravated Georgia property holders: "for though we have had generally for some Months past from 10 to 1200 Men on the Continental Establishment besides what we have on the Pay of the State," wrote Joseph Clay, "not the smallest Check has ever been

⁶⁰Lilla M. Hawes, ed., "Collections of the Georgia Historical Society and Other Documents; Minutes of the Executive Council, May 7 through October 14, 1777", Georgia Historical Quarterly 33 (December 1949): 318-330; 34 (March 1950): 19-35; 35 (June 1950): 106-125; pp. 33, 109.

⁶¹Ibid., p. 121.

⁶²Ibid., p. 122.

⁶³Candler, Revolutionary Records, vol. 2, p. 97.

given to these People."⁶⁴ The hope was that once cut back, the Florida banditti would no longer steal Georgia's cattle, horses, and slaves and terrorize her citizens by land and sea. There was also the continued fear of a major attack from the south, as disaffected citizens from the back country moved to East Florida, increasing the armed population of that royal colony.⁶⁵

In all, three expeditions against East Florida were launched under the state administration. The object was to destroy the British settlement at St. Augustine, at best, and break up the settlements between the St. Marys and the St. Johns rivers at least. The farthest south any troops reached was to the St. Johns River and this was accomplished during the first expedition, led by Colonel Lachlan McIntosh, of the Georgia Battalion, between August - September 1776.⁶⁶ The second, which lasted from March through June of 1777, was led by Continental Commander Colonel Samuel Elbert, after President Button Gwinnett and Colonel Lachlan McIntosh refused to cooperate with each other. The rivalry between Gwinnett and McIntosh reflected the factionalism in politics that hindered the development

⁶⁴Letters of Joseph Clay, p. 40.

⁶⁵Ibid., pp. 70-71.

⁶⁶Martha Condray Searcy, The Georgia-Florida Contest in the American Revolution, 1776-1778 (University of Alabama Press, 1985), p. 62.

of state government.⁶⁷ By the time Elbert returned to Savannah, Gwinnett was dead from a wound suffered in a duel with McIntosh. The third try was made between May and July of 1778. Governor John Houstoun, General Robert Howe, Continental Commander in the South, and Commodore Oliver Bowen refused to cooperate with one another. The expedition ended when Howe and his troops received permission to return North and did so.⁶⁸

After this last expedition, it was acknowledged that continued republican rule in the state was in jepordy. On August 19, 1777, Governor Treutlen called the Assembly into an emergency meeting and elaborated upon the state's dire situation. In strong, simple language he listed the problems: there was no money to pay the soldiers or maintain the government; the orders and resolves of the Assembly were held in contempt; a Circuit Court Law was needed and the functions of the Probate Office regularized; the state was not only surrounded by enemies, but infested with Tories and Tory sympathizers. He concluded by urging the legislature to act.

On September 16, 1777 the General Assembly adopted a resolution entitled "An Act for the Expulsion of the Internal Enemies of This State". Contempt of this order was

2. ⁶⁷Smith, Letters of Delegates to Congress, vol. 6, p. 615, n

⁶⁸Coleman, Colonial Georgia, pp. 280-287.

reported to the Executive Council on February 9, 1778. The Chatham County committee reported that many of those required to leave the state had not done so. Unable to depend upon oceangoing vessels to transport them from Georgia within the appropriate time period, those who did obey the order had to make their way to East Florida. Colonel Samuel Elbert noted that this movement southwards enabled royal Governor Tonyn to obtain current information on Georgia from loyalists forced out.⁶⁹ Regardless, the county sheriff was ordered to obtain a list of the offenders, arrest them and send them out of Georgia.⁷⁰ The act could not be efficiently carried out to the advantage of the state.

The Assembly issued an Act of Attainder on March 1, 1778 in the hope of getting hard cash, as Georgia paper money was greatly depreciated due to large printings, insufficient trade and the practice of extortion.⁷¹ This act set up a complex mechanism whereby the state could obtain collateral through confiscation of the real and personal property of 117 individuals, including royal Governor Wright, Lieutenant Governor Graham, Chief Justice Stokes, John Lightenstone, Daniel McGirth (a marauding terrorist), Thomas Brown, and Jermyn and Charles Wright, the

⁶⁹Searcy, Georgia-Florida Contest, p. 118.

⁷⁰Candler, Revolutionary Records, vol. 2, p. 27.

⁷¹Letters of Joseph Clay, p. 96.

royal governor's brothers. These people were attainted of high treason and would suffer death if they returned to the state or took up arms against the state or states.

Boards of commissioners were established in each county. They were to examine the legal claims against these estates, determine the property already removed from them by those who felt it their legal right to do so, and to determine if anyone, such as a child or wife or relative of the attainted individual, had the right to claim the estate. After an inventory was taken, a procedure for selling the property was to be established, with all money accrued going to the government. Particular care was to be taken with the sale of slaves: not more than 25 slaves over the age of 15 could be purchased by one buyer and they could not be removed from the state. No one from out of state who did not immediately settle in Georgia could participate. Until such time as the sale took place, all the money the estate earned through produce and rent was sent to the government.⁷²

Georgia lagged behind most of the states in enacting legislation against royalist property holders.⁷³ A climate of insecurity existed due to the social revolution between the poor and the elite regarding land acquisition. Opposition to the Act of Attainder was general and citizens

⁷²Candler, Revolutionary Records, vol. 1, pp. 336-347.

⁷³Coleman, American Revolution, p. 87.

did not cooperate with the commissioners, many of whom resigned or were inactive. Some commissioners, noted Joseph Clay, "began as is generally said to Act as if the Estates had been confiscated for their sole benefit instead of the States.⁷⁴ The slowness (or reluctance) to legislate and the ineffectiveness of the act to raise cash through the sale of confiscated property was due in large part to the government not functioning well enough for the citizens to accept its authority. The militiamen were discontented, the state had no money and the threat of war was constant.

In early April the militia was called up due to increased numbers of disaffected South Carolinians traveling through Georgia to East Florida.⁷⁵ Led by Colonel Scophol and encouraged to join the Florida Scout by Thomas Brown, 400 to 700 men rode through Georgia undisturbed.⁷⁶ Reports of Creek Indians killing settlers on the Ceded Lands were received in August⁷⁷ and the President of South Carolina alerted Georgia to the possibility of an Indian War.⁷⁸ With a weak state government, a contentious relationship between civil and military authorities and its armed forces dispersed along the coast and inland, Georgia

⁷⁴Letters of Joseph Clay, pp. 69-70.

⁷⁵Candler, Revolutionary Records, vol. 2, p. 76.

⁷⁶Coleman, American Revolution, p. 107.

⁷⁷Candler, Revolutionary Records, vol. 2, p. 76.

⁷⁸Ibid., p. 103.

did not pay much attention to rumors presaging the arrival of British invasionary forces.

Henry Laurens, however, took the rumors seriously and tried unsuccessfully to get the attention of military and congressional leaders. He alerted General George Washington to the potential gains the British would achieve by taking the south:

The acquisition of Provision of Rice etc. etc. for the support of the British W. India Islands which may be made in the Months of November and December - in So. Carolina and Georgia with perhaps 1000 Negroes - and also the destruction of all our Navigation are no inferior objects.⁷⁹

Several days later Laurens wrote to Richard Caswell explaining that Great Britain had long held the recovery of South Carolina and Georgia as the last resort and:

the expected plunder of an abundance of Provisions Merchandize many thousands of Negroes, great quantities of Cannon and warlike stores, Horned Cattle, Sheep, Hogs, and Horses, and immense value of Indigo and upwards of 200 Sail of ships and other Vessels appears to be a sufficient temptation to the Enterprize.⁸⁰

In mid November he asked Patrick Henry, Virginia delegate to the Continental Congress, to send relief to the southern troops for:

there is still great reason to believe an Embarkation has been made at New York intended at least for subduing the latter [Georgia], and in order to distract our Measures they have prevailed on the Creek Indians to take up the Hatchet, these Savages have already made

⁷⁹Smith, Letters of Delegates to Congress, vol. 10, pp. 690-691.

⁸⁰Ibid., p. 698.

inroads upon Georgia and committed many Murders.⁸¹
Nothing was done.

By early March 1778 the British government had set in motion plans to open a theater of war in the south. Commander-in-chief Henry Clinton intended to capture the lower, sparsely populated, south to use as a bargaining chip with the northern colonies, if and when peace negotiations began. In addition, once royal civil government was restored in Georgia, it would serve as a reminder to the rebellious colonies that British rule was superior. Lord George Germain, Secretary for North America, was hopeful that loyalists, once Georgia was reoccupied, would significantly augment the British forces and retake the Carolinas.⁸² In addition, it was thought that Georgia could supply the British army and the West Indies with food.⁸³

The fleet carrying invasion forces under the command of Lieutenant Colonel Archibald Campbell successfully set sail from New York on November 17. It arrived off Tybee Island on December 23 and the troops landed unopposed below Savannah on December 28. Continental Commander Robert Howe, Governor John Houston and Colonel George Walton of the Georgia militia failed to cooperate with one another to

⁸¹Ibid., vol. 11, pp. 217-218.

⁸²Davies, Documents of American Revolution, vol. 17, p. 32.

⁸³Coleman, American Revolution, p. 125.

defend Savannah.

Governor Houstoun's Executive Council assumed the responsibility for removing the seat of government from Savannah to Augusta⁸⁴ although they did this without officially holding office. Assembly representatives had been elected for 1779, but they had not yet met to choose a governor and executive council. At the moment, there was no governor, no executive council and many of the representatives elected for the January 1779 Assembly were caught in the fighting. The last entry in the executive council minutes states "The Town of Savannah being taken by the British Troops, on the twenty eighth of December put a final end to public business of a civil nature."⁸⁵ Those members of state government not captured or killed in the fighting travelled as fast as they could into the back country.

Lieutenant Colonel Campbell proceeded to carry out his orders to take the province of Georgia back from the rebels, encourage and maintain the loyalty of her inhabitants, and reestablish royal civil government.⁸⁶ The day after Savannah fell, Campbell established regulations "for the Peace and Good Order of the Inhabitants."⁸⁷ On December

⁸⁴Candler, Revolutionary Records, vol. 1, p. 400.

⁸⁵Ibid., vol. 2, p. 129.

⁸⁶Campbell, Journal of an Expedition, p. 6.

⁸⁷Ibid., p. 30.

31 he appointed Lewis Johnston Superintendent of Police at Savannah and William Telfair his assistant.⁸⁸ He had issued strict orders against individual plundering to the troops while still aboard ship,⁸⁹ but many of the inhabitants of Savannah fled before the invasionary troops, either destroying, burying or taking their possessions with them into the countryside.⁹⁰ They joined many thousands of women, children and slaves "traveling to they knew not where."⁹¹

Campbell went to Augusta in late January 1779 to lay claim to the upper part of Georgia and to offer the inhabitants protection. While on this journey, one individual noted:

Most of the Settlements (along both the Roads) from Ebenezer to Augusta are in a ruinous, neglected State; two-thirds of them deserted, some of their Owners following The King's troops others with the Rebels, and both revengefully destroying the property of each other.⁹²

While at Augusta, Campbell received a communication from the inhabitants of Wilkes County to the north, saying they would

⁸⁸Ibid., p. 116, nn. 104-105.

⁸⁹Ibid., p. 15.

⁹⁰Pettengill, Letters from America, p. 202.

⁹¹William Moultrie, Memoirs of the American Revolution, 2 vols. (New York: David Longworth, 1802), vol. 2, p. 259.

⁹²Doyce Nunis, Jr., ed., "Memorandums of the Road, and the March of a Corps of Troops from Savannah to Augusta, and some Subsequent Occurences", Colonel Archibald Campbell's March from Savannah to Augusta, 1775", Georgia Historical Quarterly 45 (September 1961), p.286.

surrender their forts to the British. These forts had been erected for protection against the Indians. Campbell sent officers and men to receive the forts, and sent the inhabitants a letter in which he stated:

Your Families are in too precarious a State for me to wish or desire to call any one of you from the Frontiers: I do not want your Aid nor your Money. Keep your usual Lookout against the Indians: Be faithful Subjects to the King: Cultivate your Lands, and enjoy the inestimable Blessings of Peace, Freedom and Happiness.⁸³

Although in truth he could offer them little protection, Campbell's urging the settlers to remain on their land was part of the British program for reestablishing their authority by reminding the populace of the benefits of royal government.

Campbell soon withdrew from the back country and returned to Savannah. He estimated that 1,100 inhabitants in the back country had taken up arms in support of the British by February 9, but this was far less than the British ministry in Whitehall had hoped for. Campbell could not maintain British authority without stronger military support from the resident population and so he abandoned those who had pledged their allegiance to the King and left them to sort out what to do with their allegiance. For, although routed from the Georgia seacoast, the state government continued to function in the back country and made every attempt to maintain the loyalty of her citizens.

⁸³Campbell, Journal of An Expedition, pp. 58-59.

Those members of the state government who found their way to Augusta ahead of Campbell's troops met at the house of Mathew Hobson on January 8, 1779. Not legally a legislature, they formed themselves into a convention and elected a committee to serve until such time as a formal Executive Council could be established. This goal was achieved on January 21, when members chosen for the Executive Council elected William Glascock president.⁸⁴

The first order of business was obtaining money with which to buy the means necessary to defend the area from the British. Forts were garrisoned and disloyalty among the citizens of Augusta noted.⁸⁵ Through the spring officers were commissioned, supplies obtained, and a camp or fort established in Burke County.⁸⁶ Far from subduing the entire province of Georgia, the British army ended up occupying much of the Georgia seacoast and approximately 25 to 40 miles around Savannah while the rebels controlled the back country, and part of the lower coast.⁸⁷

Anxious to establish effective government in that area of Georgia controlled by British forces, Lieutenant Colonel Campbell recommended to Lord George Germain in January that

⁸⁴Candler, Revolutionary Records, vol. 2, p. 136.

⁸⁵Ibid., pp. 129-130.

⁸⁶Ibid., p. 134.

⁸⁷Coleman, American Revolution, p. 126.

a governor be sent out immediately.⁹⁸ He hoped that the resident civilian population and the military would get along. Thus he explained one of his reasons for appointing James Mark Prevost as Lieutenant Governor:

Namely, his being the Brother of General Prevost, who was so much attached to his Welfare and Success, that there is not a doubt but Harmony and Unanimity will take Place between the Civil and Military Branches of this Government.⁹⁹

Campbell established a Board of Police in Savannah in January. "By this means, the Town and its Environs will acquire some good Order; and Regularity will be introduced from distracted Confusion."¹⁰⁰ Its jurisdiction included all disputes concerning private property and the recovery of debt, breaches of the peace and all personal injury, the granting of tavern, public house and liquor licenses and the redress of grievances arising from extortion regarding the price of goods. The Board also helped to organize companies of citizens from Savannah and its suburbs to mount guard at night and patrol the streets.¹⁰¹

This Board of Police met through March 10 and dealt primarily with property. Their responsibility was to determine the number of plantations abandoned by loyal subjects as well as rebels, assess their condition and

⁹⁸Campbell, Journal of An Expedition, p. 44.

⁹⁹Ibid., p. 74.

¹⁰⁰Ibid., p. 44.

¹⁰¹Royal Georgia Gazette, 1779-1782, February 11, 1779.

determine if anyone had legitimate claim to them. The slaves, crops, stock, buildings, equipment and household furnishings were placed under the care of appointed overseers or the land was rented out to tenants. It was hoped that in this way valuable property would be protected from plundering and the civilian government, once reestablished, would benefit from the regularization of plantation production.¹⁰² This Board functioned under the power of the military and while Lieutenant Colonel Campbell was in charge, they had his assistance.

When Lieutenant Colonel James Mark Prevost was appointed Lieutenant Governor pro tempore in early March 1779, the members of the Board of Police became members of his Council.¹⁰³ The work of the Board of Police was carried on by the Commissioners of Claims, Martin Jollie and R. Kelsall. The Commissioners were hampered in their work by having their jurisdiction limited to the property of the loyalist absentees. The army took what was needed from rebel property, as determined by Lieutenant Governor Mark Prevost and his brother General Augustin Prevost, who had taken over from Campbell in January.¹⁰⁴ Split control over rebel and loyalist property was a major source of conflict between the civil and military authorities during

¹⁰²Letters of James Wright, pp. 290-291.

¹⁰³Campbell, Journal of An Expedition, p. 116, nn. 104-105.

¹⁰⁴Ibid., p. 40.

the remainder of British rule.

James Wright resumed the governorship of Georgia upon his arrival in Savannah on July 14, 1779 and remained until the evacuation in July 1782. He, Lieutenant Governor John Graham and Chief Justice Anthony Stokes made the voyage from England together. Governor Wright immediately restored Georgia to the King's Peace, or the public peace, for the maintenance of which the sovereign was responsible.¹⁰⁵ He delayed issuing writs of election as the province was not in a sufficient state of security to do so. This delay disappointed him, for he was anxious to restore representational government as soon as possible.¹⁰⁶

Governor Wright set about to rebuild a civil government in the midst of a theater of war. His concerns for reestablishing a solid economic basis for the province by rehabilitating the plantation system, providing for refugee loyalists through funds generated by the rental of confiscated property, and upholding the property rights of private citizens all came into conflict with the British military administration's objectives.

The basic conflict lay in how slaves were viewed: Wright saw them as property, either of the owner or of the province; General Augustin Prevost saw them as booty and

¹⁰⁵The Century Dictionary of the English Language, William Dwight Whitney, ed., 24 vol. (New York: The Century Co., 1889), vol. 15, p. 4340.

¹⁰⁶Letters of James Wright, pp. 254-255.

reward for service. In an effort to find a way out of the tangle, Wright and his council agreed not to interfere with any of the slaves captured by the army. The office of Commissioner of Claims would take charge of all abandoned estates and all fugitive slaves, and rent both out to raise money.¹⁰⁷ It was agreed to build a workhouse to retain fugitive slaves, and staves and naval stores were produced on some of the plantations.¹⁰⁸

The surprise arrival of the French fleet off the coast of Georgia on September 1, 1779 provided Governor Wright and Major Prevost with the opportunity to cooperate in the defense of Savannah. The Continental Army joined Count d'Estaing in an unsuccessful siege operation against the town that lasted through October 18.¹⁰⁹

Governor Wright and his Council ordered 400 to 500 slaves to work on repairing the fortifications of Savannah, under the direction of Chief Engineer Captain James Moncrief.¹¹⁰ Governor Wright and Lieutenant Governor Graham were part of a Council of War held on September 16, to determine if Savannah should surrender to the French, as

¹⁰⁷Sylvia R. Frey, Water From the Rock: Black Resistance in a Revolutionary Age (Princeton: Princeton University Press, 1991), p. 95.

¹⁰⁸Letters of James Wright, p. 298.

¹⁰⁹Coleman, American Revolution, pp. 128-129.

¹¹⁰Hawes, Minutes of Governor and Council, p. 49; Letters of James Wright, p. 262.

d'Estaing demanded. Several years later, during testimony to the Royal Commission, the former Captain Moncrief, now Colonel Moncrief, related that Governor Wright, during this meeting, was accused of favoring the defence of Savannah as he had extensive land holdings in the province.

Sir James declared that so far from having any prejudice of that kind if the Town surrendered upon terms he was sure of getting his property as he was convinced the French would give the Garrison any terms to obtain possession of the Place And that he had rather see his whole Property torn to pieces than so shameful a thing should be done as to surrender the Town without fighting.¹¹¹

Moncrief testified that Wright's conduct was of material importance in saving Savannah.

While the royal governor was trying to strengthen civil authority, so, too, were the rebels hoping more formally to legitimize their government. A supreme executive council was formed on July 24, 1779 in Augusta with John Wereat appointed president, and met in August to tend to business.¹¹² It ordered Courts to be held in the counties of Wilkes and Richmond.¹¹³ Commissioners of claims were appointed in an attempt to sort out plundered property.¹¹⁴ The Council requested accounts and public

¹¹¹Egerton, Royal Commission, p. 18.

¹¹²Candler, Revolutionary Records, vol. 2, pp. 141-147.

¹¹³Ibid., p. 147.

¹¹⁴Ibid., p. 149.

money left in the hands of the state treasure be presented.¹¹⁵ President Wereat was given power to order the militia as he saw fit, if the Council was not in session.¹¹⁶ Delegates were elected to attend the Continental Congress.¹¹⁷ Going within the enemy lines without leave was to be considered treasonable.¹¹⁸ A letter was written to Governor James Wright, declaring that he was their prisoner as he had never been discharged from the parole he broke when he escaped in January 1776.¹¹⁹ An election was called for the first Tuesday in December to elect representatives for the General Assembly, to meet in Augusta on the first Tuesday in January 1780.¹²⁰ This government was not recognized as a constitutional executive by the Continental Congress, however, and did not receive money voted by the Continental Congress for its maintenance and defense.¹²¹

A second supreme executive council established itself in Georgia, reflecting that the schism between conservative and radical rebels had grown, not lessened. This government

¹¹⁵Ibid., p. 151.

¹¹⁶Ibid., p. 153.

¹¹⁷Ibid., p. 175.

¹¹⁸Ibid., p. 176.

¹¹⁹Ibid., p. 181.

¹²⁰Ibid., vol. 1, p. 407.

¹²¹Letters of Joseph Clay, p. 161.

also was not recognized as a constitutional executive and was refused Continental Congress funding as well. General Benjamin Lincoln, commander of the Southern Department, wrote to George Walton on October 17, 1779, "Give me leave to suggest that it would be for the interest of the State if the Assembly were convened as soon as possible, your Government organized and Members sent to Congress".¹²²

In November 1779 an assembly met in Augusta and an executive council was formed, with William Glascock speaker, George Walton governor and Richard Howley president of the executive council.¹²³ The assembly was in session one week, and attended to business regarding the protection of the frontier. It also drafted a lengthy dispatch to the Continental Congress asking for additional money and for the transfer of General Lachlan McIntosh out of Georgia.¹²⁴ It is thought that this competing government was formed due to the weakness of the Weret executive council, and the opposition many felt to its support of General McIntosh and its sympathy towards loyalists.¹²⁵

The Walton Executive Council wanted the Continental Congress informed of its activities. Delegate Oliver

¹²²Edward J. Cashin, "George Walton and the Forged Letter", Georgia Historical Quarterly 62 (1978), p. 138.

¹²³Coleman, American Revolution, pp. 158-159.

¹²⁴Cashin, "George Walton and the Forged Letter", pp. 139-140.

¹²⁵Ibid., p. 136.

Ellsworth wrote to Jonathan Trumbell that:

Governor Walton, of Georgia, writes the 15h of Decr. that their Assembly were then sitting at Augusta, had appointed Delegates to Congress, were arranging their force, securing their frontiers, and providing to cooperate in the expulsion of the Enemy.¹²⁶

The Assembly was concerned with Georgia's reputation among the other states. William Glascock wrote to John Jay:

our not being represented is owing to the Desperate Situation our Delegates have been Reduced to by being drove from their Homes and some loseing near or quite all their fortunes which reason they Assign for their not Attending and we are the Same time not haveing it in our Power to furnish them with money.¹²⁷

An assembly convened in Augusta in January 1780, called earlier by the conservative Wereat executive council. It elected Richard Howley governor, George Wells president of the executive council and George Walton as a delegate to the Continental Congress, all three members of the radical faction. A full slate of state officials was also elected.¹²⁸ This new government was recognized as constitutional and received Continental funding.¹²⁹ The request for this money, as well as military despatches, was sent by messenger from Augusta to Philadelphia and laid before Congress. The original messenger, Clement Nash, fell ill en route and sent the important papers on with John

¹²⁶Smith, Letters of Delegates to Congress, vol. 14, p. 395.

¹²⁷Ibid., vol. 12, p. 297, n. 2.

¹²⁸Coleman, American Revolution, p. 159.

¹²⁹Ibid.

Foster. Foster was given six thousand dollars from the Continental Treasury to deliver to the government in Augusta. Probably no better equipped than the state he was riding back to, he was supplied with a pair of shoes and saddle bags for his return journey.¹³⁰

With the removal of Continental troops to the Charleston area, the Executive Council determined that the government would not be safe in Augusta and decided on February 5, 1780 to move it to Herds Fort, in Wilkes County when necessary. Governor Howley eventually went to the Continental Congress and George Wells, President of the Council, assumed the executive power.¹³¹ After his death, Stephen Heard was appointed President.¹³²

The state government continued to function until May 25, 1780.¹³³ During this time the important issues of land, plundered property and slaves were addressed. A proclamation was issued on March 3, 1780 declaring it a felony "for any person or persons, under any pretence whatever, to plunder or take away from any of the inhabitants of this State within the said line, any

¹³⁰Smith, Letters of Delegates to Congress, vol. 14, p. 415, n. 1.

¹³¹Candler, Revolutionary Records, vol. 2, pp. 213-214.

¹³²Ibid., pp. 222-223.

¹³³Ibid., p. 240.

property."¹³⁴ This line extended from Hudson's Ferry to the Ogeechee, and within it were to reside, for their own protection, persons well affected to the cause of the United States. The Council authorized Blassingame Harvey to locate slaves taken out of the state and return them.¹³⁵

Attempts were made to determine whether the owners of slaves held in the custody of Mr. Robert Bonner had joined the enemy, as was claimed,¹³⁶ and kidnapped slaves were ordered returned to their owners.¹³⁷ Reports of cattle and property stolen from plantations by the military were presented to the Council which resolved that the issue should be addressed by General Benjamin Lincoln of the southern department.¹³⁸

The Assembly was anxious to attract settlers to occupy the state and build up the population along the frontier area. The General Assembly ruled that a land office was to be opened to grant lands to any citizen of any state who would take the oath of allegiance, bring in his entire family and settle the land within nine months. The head of a family got 200 acres and 50 acres for each additional

¹³⁴Ibid., p. 228.

¹³⁵Ibid., p. 232.

¹³⁶Ibid., p. 205.

¹³⁷Ibid., p. 233.

¹³⁸Ibid., pp. 236, 238.

member, whether white or black.¹³⁹ People who had located lands but not settled upon them and those who claimed to have titles or rights to lands desired by new settlers were requested to submit their cases to the government.¹⁴⁰ It was determined that on May 22 and every Tuesday thereafter petitions for uncontested land grants would be signed.¹⁴¹ As the government apparently stopped functioning three days later, people had to wait until August 1781, if not later, officially to claim their land. It is probable that families squatted, a practice common in colonial Georgia.¹⁴² Not willing to give up what was so nearly theirs, they waited for government to return; by doing so they increased the population of the frontier albeit illegally.

Despite no functioning state government, Georgia was represented in the Continental Congress over the next year. Richard Howly, William Few and George Walton were in attendance most frequently. They drew their expenses from the Continental Treasury.¹⁴³ They feared Georgia might be awarded to Great Britain during peace talks based on the

¹³⁹Ibid., p. 226.

¹⁴⁰Ibid., p. 237.

¹⁴¹Ibid., pp. 242-243.

¹⁴²Gallay, Formation of a Planter Elite, p. 82; Coleman, Colonial Georgia, p. 225.

¹⁴³Smith, Letters of Delegates to Congress, vol. 16, p. 123, n. 3.

principle of uti possidetis. In international law this was the basis of a treaty which left belligerent parties in possession of what they had acquired by their arms during the war.¹⁴⁴ The pamphlet "Observations" was published so that the general public would have an idea of their concerns regarding Georgia's status at the end of the war.¹⁴⁵

Charleston, South Carolina fell to the British on May 12, 1780. Prior to this Sir Henry Clinton and General Lincoln had each stripped Georgia of British and Continental troops respectively and brought them to South Carolina. These were never replaced.¹⁴⁶ Georgia royal governor James Wright, upon learning in March of the generous terms of amnesty offered by Clinton to the South Carolinians, feared that any and all rebels that had fled would return and claim the protection of the law, for Georgia was under Clinton's jurisdiction.¹⁴⁷ He did not want them to be in a position to be elected to the Assembly. He ordered the writs of election to be prepared immediately.¹⁴⁸ These writs were issued in every parish and district except St.

¹⁴⁴Century Dictionary, vol. 23, p. 6678.

¹⁴⁵Smith, Letters of Delegates to Congress, vol. 17, pp. 349, 561-566.

¹⁴⁶Coleman, American Revolution, p. 131.

¹⁴⁷Patrick J. Furlong, "Civilian-Military Conflict and the Restoration of the Royal Province of Georgia, 1778-1782", Journal of Southern History 38 (August 1972), p. 436.

¹⁴⁸Letters of James Wright, p. 280.

Pauls, which was thought to be too hostile to royal government to safely hold an election.¹⁴⁹ The first session of the Assembly met on May 9, in Savannah, and adjourned on July 1.¹⁵⁰

In addition to dealing with the threat of rebel infiltration, the Assembly tended to a variety of general business. Laws that had been in effect through 1775 were continued in force.¹⁵¹ Acts to assist those whose legal papers for their real or personal property had been lost, stolen or carried off and those who were in need of relief were passed.¹⁵² In addition, acts establishing the qualifications of jurors and their summoning, the regulation of the town and commons of Savannah, and the regulation of auctions were passed.¹⁵³ A census of Savannah and its suburbs was taken, including the number of houses and their rooms (241 houses with 709 rooms) and the number of white inhabitants, exclusive of the military (742).¹⁵⁴

The Council tended to more details of a civil nature. Bids on the building of a work house and gaol and the repair

¹⁴⁹Coleman, American Revolution, p. 148.

¹⁵⁰Ibid.

¹⁵¹Allen D. Candler, ed., The Colonial Records of Georgia, vol. 15, "Journal of the Commons House", pp. 607-609.

¹⁵²Ibid., p. 620.

¹⁵³Ibid., p. 622.

¹⁵⁴Ibid., p. 621.

of the court house were called for.¹⁵⁵ Vacancies for commissioners for the various roads in the province were filled,¹⁵⁶ as well as those for the Great Ogeechee Ferry.¹⁵⁷ Militia officers were commissioned¹⁵⁸ and recommendations requested for filling magistrates positions in St. Paul's parish and the Augusta district.¹⁵⁹ On September 20, after hearing of an attack upon royal forces in Augusta, the council decided that the General Assembly should be recalled in order to determine what might be done to strengthen the government in this emergency.¹⁶⁰

Wright wanted to call out as many slaves as were needed to work on the fortifications of Savannah and also to use them as a fighting force.¹⁶¹ As it turned out, the British retained Augusta, and the immediate threat to Savannah abated. But Wright got his bill, the Act for the Preservation and Defence of his Majesty's Government in the Province of Georgia. He wrote to Germain:

However seeing how much the Military Force here is weakened & that we are Strip't of every thing almost I Judged it Necessary to call the Assembly to frame a Law

¹⁵⁵Hawes, Minutes of Governor and Council, p. 110.

¹⁵⁶Ibid., p. 111.

¹⁵⁷Ibid., p. 117.

¹⁵⁸Ibid., p. 120.

¹⁵⁹Ibid., p. 121.

¹⁶⁰ Ibid., p. 128.

¹⁶¹Candler, Colonial Records, p. 626.

to Vest Further Powers in me with Respect to the Militia & to Enable me to order out Negroes to Construct such Fortifications & Works as may be thought Necessary for the Security of the Town or in any other Parts of the Province, also in Case of Necessity to Arm & Employ negroes for our Defence.¹⁶²

By the first of December Wright reported extensive progress on the fortifications of Savannah, but said that requiring one fourth of all the male slaves in the area to work for nearly 3 months was a heavy tax and inconvenience upon the owners.¹⁶³

The Assembly was adjourned on November 15, and recalled on December 11, 1780.¹⁶⁴ The defenseless state of the seacoast was of grave concern at this time. Wright had requested a galley from Admiral Arbuthnot but received no answer.¹⁶⁵ The Assembly determined to build and arm a rowing galley of 75 to 80 foot keel, capable of carrying 50 white men and 10 slaves. It was to be built with cedar or live oak and pitch pine and to draw as little water as possible.¹⁶⁶

After receiving petitions from the back country for protection, and joint addresses from both houses of the Assembly requesting that he draw on government money to set

¹⁶²Letters of James Wright, pp. 321-322.

¹⁶³Ibid., p. 323.

¹⁶⁴Candler, Colonial Records, pp. 649-670.

¹⁶⁵Letters of James Wright, p. 327.

¹⁶⁶Candler, Colonial Records, p. 653.

up a troop of horse, Governor Wright did so. He wrote to Germain:

It is clearly my own Opinion as well as that of the other Branches of the Legislature, that Nothing can possibly Protect His Majesty's Loyal Subjects & prevent the back Parts of this Province from being broke up, but a Troop of Horse, which may do so if any thing can.¹⁶⁷

Upon the unanimous advice of the Council, 60 men with their own horses and weapons were taken out of the militia and formed into 3 companies to be sent to the back country.¹⁶⁸

Governor Wright had to turn to the legislature to defend the province because there was no response from his superiors. He wrote to Lord Cornwallis about a troop of horse and to Admiral Arbuthnot for a galley to protect the sea coast to no avail.¹⁶⁹ Wright knew the enemy and did his best to defend Georgia, showing a remarkable ability to improvise under increasingly oppressive conditions.¹⁷⁰

Despite their vulnerable position, or perhaps because of it, many of the inhabitants in and around Savannah took a great interest in property. Provost marshals' notices of attachment against the property of those absent from the

¹⁶⁷Letters of James Wright, pp. 336-337.

¹⁶⁸Ibid., p. 337.

¹⁶⁹Ibid., p. 327.

¹⁷⁰Ibid., pp. 346-347, 350.

province appeared in the newspaper¹⁷¹ and individuals filing declarations against the property were named, as were the owners. These owners had a year and a day to appear in the court to plead their case against the attachment of their property. Marshals' sales were advertised for property confiscated by the court.¹⁷² In addition, the paper printed descriptions of property claimed by individuals who had lost their legal proof of ownership. Lieutenant Governor John Graham was such an individual and lengthy descriptions of his extensive property ran in the Gazette for four months. During this time anyone could go to the Prothonotary's office in Savannah and review his claim.¹⁷³

Serious problems brought about by continued warfare threatened the basic structure of civil life in Savannah, however. The Grand Jurors of the General Court reported in the January 18th issue of the Georgia Gazette that numbers of unsupervised slaves were erecting and inhabiting houses in and about the town of Savannah and the surrounding parish of Christ Church. This threat to white supremacy was not new for armed and unsupervised slaves had roamed in bands or taken up habitation in and around Savannah since just after the Siege in October 1779. Armed black soldiers helped to

¹⁷¹Royal Georgia Gazette, February 15, 1781.

¹⁷²Ibid., February 8, 1781.

¹⁷³Ibid.

defend the town¹⁷⁴ and perhaps some of them scattered with their weapons once military action ceased. Relied upon to assist in the defense of Savannah by the government, now they were accused of behaving insolently, of robbing, trading without limitation, skulking about in the woods, and plundering.¹⁷⁵ Added to the list was the crime of preventing owners from retrieving run-away slaves from among them. To have slaves living on their own either through trading or stealing; building shanty towns that attracted run-aways; and possessing weapons and using them to threaten whites must have been deeply disturbing to the civilian population, which, apparently, could do little about the situation. By arming themselves and banding together, slaves not only protected themselves from plunderers, the military and their owners; they established their own identity as unaligned players in the chaos of war-torn Georgia and were ungovernable and unpredictable.

The Grand Jurors also reported that the church and the market place in Savannah were in a ruinous condition, implying perhaps that little social interaction of a traditional sort had taken place in the town, or that new meeting places had been found. The market had possibly gone unrepaired because it was not needed; fresh produce was not

¹⁷⁴Frey, Water from the Rock, pp. 97-98.

¹⁷⁵Hawes, Minutes of Governor and Council, pp. 53-54, 74-75, 125-126.

available in such quantities as it had been formerly and there was little or infrequent communication between town and countryside due to warfare. The Grand Jurors further reported that roads and bridges down the coast from Savannah were in ruins, impeding communication and travel except by boat.¹⁷⁶

Despite the erosion of normal urban life in Savannah, the political structure was maintained through the regular meeting of the assembly. Among those bills reportedly passed by Wright was a law enabling citizens to arrest rebels and plunderers, a second attempting to straighten out unsatisfied debts by allowing as evidence in court a recently returned ledger book of the Commissioners of the General Loan Office, 1769-1775. An act for the relief of Quakers, caught in the midst of depredations at their settlement of Wrightsborough and fleeing to Savannah, was also enacted.¹⁷⁷

By late April, Wright had learned that Augusta was likely to fall under attack from a growing group of rebels.¹⁷⁸ With Colonel Alured Clarke and part of the troops stationed at Savannah gone to St. Augustine, the remaining garrison at Savannah was too small to offer any

¹⁷⁶Royal Georgia Gazette, January 18, 1781.

¹⁷⁷Letters of James Wright, pp. 340-342.

¹⁷⁸Ibid., p. 346.

assistance.¹⁷⁹ As the state troops gathered around Augusta, the depredations increased.¹⁸⁰ Wright declared that the Assembly had done everything it could to protect the province through legislation, but this was insufficient without armed forces backing the government.¹⁸¹ By order of the Council, the gates of the defensive works around Savannah were shut at nine o'clock at night, and all those coming and going were questioned.¹⁸²

The exodus of loyalists from the back country prior to and subsequent to the fall of Augusta to rebel forces in June 1781 profoundly affected Savannah. Food was of primary concern, as the population of the town swelled with refugees and additional military. Wright estimated about 1,400 people, including women and children, had run to Savannah.¹⁸³ As previously noted, the census in June 1780 indicated 742 non-military white inhabitants of Savannah, thus her population was tripled at this time. Wright purchased rice, flour, beef and pork at the cost of £2,652 to the British treasury. The refugees were armed and put on duty with regular militia to hold the redoubts at

¹⁷⁹Ibid., pp. 343, 351.

¹⁸⁰Ibid., pp. 349-350.

¹⁸¹Ibid., p. 350.

¹⁸²Royal Georgia Gazette, April 26, 1781.

¹⁸³Davies, Documents of American Revolution, vol. 21, p. 117.

Ebenezer and defend Savannah. Wright feared that "...if we are not relieved in a few days so that the people may return home and see what may be left or they can save or pick up, a famine will ensue."¹⁸⁴

The Council, on July 25, 1781, set up a commission to issue rice to petitioners at the rate of 5 guineas per barrel. These petitioners were large slave holders who could no longer feed their labor force.

The consequence of which must be, that as they can no longer be desired to do any kind of labour on the Plantations of Your memorialists, they will be reduced to the necessity of robbing at all risques to sustain life.¹⁸⁵

Without food, owners would not be able to maintain control of their slaves.

During that same session, the Council reviewed the growing expense of providing rations for those who had fled to Savannah destitute. They determined that all adult male refugees from South Carolina must in the next 10 days either join the army or militia in Savannah or return to South Carolina. If they did neither, their rations would be withdrawn. All able-bodied Georgia male refugees receiving rations must join the Corps of Horse or Foot or join the militia within 6 days, or have their rations withdrawn. Every woman receiving rations was now to be issued a half

¹⁸⁴Letters of James Wright, pp. 358-359.

¹⁸⁵Lilla M. Hawes, ed., "Some Papers of the Governor and Council of Georgia, 1780-1781", Georgia Historical Quarterly 46 (September - December 1962), pp. 406-407.

ration, unless a widow with a family, in which case she was to receive a whole ration, and each child a half.¹⁸⁶

The years of real property damage, the loss of slave labor and abandonment left the great plantations around Savannah with little to offer the garrison to eat. Those plantations still functioning with a labor force could produce little. The slaves were starving and could not work and there had been little if any time to cultivate, due to the danger of warfare. Many rice plantations had not been able to be maintained.¹⁸⁷ Most cattle and hogs, once so plentiful, had been either stolen, requisitioned, or lost. Those early vegetables of beans, peas, lettuce, turnips and carrots so enjoyed by a Hessian army officer in January 1779 were probably not available in January 1782.¹⁸⁸

Several months before rebel forces took Augusta and precipitated the loyalist exodus from the back country, state government began to revive. The Georgia delegates to the Continental Congress commissioned Dr. Nathan Brownson, former Georgia delegate and newly appointed deputy purveyor for hospitals for the southern army, a Brigadier-General and

¹⁸⁶Hawes, Some Papers of Governor and Council, pp. 408-409.

¹⁸⁷Joyce E. Chaplin, "Tidal Rice Cultivation and the Problem of Slavery in South Carolina and Georgia 1760-1815", William and Mary Quarterly 49 (January 1992), pp. 38-39.

¹⁸⁸Pettengill, Letters from America, p. 203.

sent him back to Georgia to unite the armed forces there.¹⁸⁸ General Nathanael Greene, hoping to form a temporary council as a first step towards re-establishing government,¹⁸⁹ sent Joseph Clay to Augusta to organize one. Following the withdrawal of the British from Ninety Six, a fort located nearby in South Carolina, an assembly was elected.¹⁹¹ It met in mid August and elected Brownson governor.¹⁹² While the loyalists suffered from the fall of Augusta, the rebels took the opportunity to reestablish a government and assert its authority over as much territory as was possible.

The Georgia delegates to the Continental Congress wrote to General Greene in late July:

We flatter ourselves that the people of Georgia will immediately organize their Constitutional form of Government, of which they are very fond; and feel the utmost confidence, from the earnest you have given us, that you will afford it every possible countenance and support.¹⁹³

Having asked for Greene's protection, now Georgia, through Governor Brownson, asked the Continental Congress for arms, ammunition, clothing and money with which to supply the militia. James Varnum, chairman of the Continental Congress

¹⁸⁸Smith, Letters of Delegates to Congress, vol. 17, pp. 186-187.

¹⁸⁹Ibid., vol. 17, p. 187.

¹⁹¹Coleman, American Revolution, p. 161.

¹⁹²Candler, Revolutionary Records, vol. 1, p. 410.

¹⁹³Smith, Letters of Delegates to Congress, vol. 17, p. 450.

committee appointed to consider Georgia's request, wrote to General Green: "We cannot comply. Georgia must raise permanent troops, you must do with them as you can. . . ."

¹⁸⁴ Congress eventually ordered arms and ammunition for Georgia on December 15.¹⁸⁵

Georgia continued to ask for help. Delegates Richard Howly, William Few and George Walton, already living on an allowance from the Continental Congress, petitioned and received money to "commence a long and expensive Journey" back to Georgia.¹⁸⁶ The Continental Congress did not include Georgia in its figuring of the quota of money to be obtained from each state, for the delegates had informed it that "a Tax Bill was not to be expected, as our distress, by means of the ravages of the enemy had effectually precluded every idea of Taxation for some time."¹⁸⁷ Georgia's delegates believed their state government could contribute little or nothing monetarily to the Continental Congress.

Newly elected Continental Congress delegates Noble Wimberly Jones and Edward Telfair were keenly aware of how close they had come to losing Georgia to the British and how much work was needed to rehabilitate her state government. They sent a reminder to John Jones, Speaker of the Georgia

¹⁸⁴Ibid., vol. 18, p. 114.

¹⁸⁵Ibid., n. 3.

¹⁸⁶Ibid., pp. 61, 126.

¹⁸⁷Ibid., pp. 224-225, 226, n. 1.

Assembly:

"We sincerely wish that we may soon be reinstated in the full possession of our country, and by Steady and adhering principles of economy and decorum in our public affairs, there can be no doubt of establishing funds adequate to the Support of our own internal police, and by pursueing our public measures with decision and rectitude, we shall recover the ground we have lost, and soon rise equal to any state in the Union."¹⁹⁹

They were anxious that the state government and militia be viewed as functional by the Continental Congress and thus worthy of being maintained rather than abandoned. Once the British were driven out with the help of the Continental Army, then Georgia state government could regain some measure of autonomy and become less dependent upon the Continental Congress.

The state legislature worked to provide food for the military utilizing what resources they had in the form of property. The state sequestered property abandoned by loyalists fleeing the upcountry for Savannah or East Florida. The executive council directed that the commissioners for sequestered estates postpone sales and supply slaves and other items to commissaries and military personnel.¹⁹⁹ The state could not afford to pay cash for horses, so cattle from the sequestered estates were bartered for horses for the army.²⁰⁰ Drivers were employed under

¹⁹⁹Ibid., p. 225.

¹⁹⁹Candler, Revolutionary Records, vol. 2, pp. 253, 276.

²⁰⁰Ibid., pp. 285-286.

the supervision of General John Twiggs to collect non-breeding cattle from the south side of the Ogeechee River. The governor requested purchasing commissaries to carry this out in such a fashion that the inhabitants would not be alarmed.²⁰¹ The practice of officers foraging for their own food was noted as a great abuse to property owners, and the Quarter Master's department was ordered to take charge of all forage and provisions collection and distribution.²⁰² Rations were determined for those holding public office.²⁰³ Colonel Elijah Clark was requested to have the army distribute corn rations to those distressed persons who had a certificate from the commanding officer of the district as to the number and situation of their family.²⁰⁴ The government and the military needed to cooperate with each other and with the settlers in order to provide food for everyone.

The judiciary system of the state was revitalized, setting the stage for the first constitutionally legal election in years. Justices were named for the state counties in August and on November 12 the Richmond county court was opened to try criminals.^{205,206} Elections

²⁰¹Ibid., p. 280.

²⁰²Ibid., p. 290.

²⁰³Ibid., p. 281.

²⁰⁴Ibid., p. 289.

²⁰⁵Ibid., p. 252.

were called for the first Tuesday in December. Those counties in alarm were requested to send their electors to Augusta to choose representatives. The last week of November it was determined that Augusta might not be safe, however, and the election site was moved to Brownsborough.²⁰⁷ The new Assembly met on January 2, 1782 and chose John Martin as governor and Stephen Heard as president of the Council.

State Governor Martin and royal Governor Wright shared many of the same concerns for the population of Georgia. Few crops had been planted the year before and famine loomed as a distinct possibility. Neither wanted to see their people starve nor be brought to the exigency of leaving Georgia.

Governor Martin and his council actively encouraged citizens from South Carolina to move to Georgia. He was pleased to inform Major John Moore of the state troops of South Carolina, that he and his corps would be offered a minimum of 250 acres each should they move to Georgia and continue fighting for twelve months or until the war was over.²⁰⁸ Martin wanted to build up the population of fighting farmers.

²⁰⁸Ibid., p. 278.

²⁰⁷Ibid., pp. 283, 287.

²⁰⁸"Official Letters of Governor John Martin, 1782-1783", Georgia Historical Quarterly 1 (December 1971), p. 290.

The threat of famine motivated Governor Martin to do all he could to mollify General Anthony Wayne in regard to the slowness with which the state responded to the Continental army's call for military support. He wrote to the General on March 14, 1782, stating "I'm confident the reason why the people have been so tardy in turning out is the present distress of their families and their preparing for a future crop."²⁰⁹ The previous June, when the state militia recaptured the upcountry, it was not only too late to plant a crop, but the men needed to remain in the militia in order to hold on to the territory.²¹⁰ As a result, there had been little to eat for the past year and no surplus available to them now. If a grain crop was not planted in 1782, there would be no food at all, and families would either perish or be forced to leave the state.

As the April 1782 planting commenced, Governor Martin took it upon himself to raise a rifle corps to take the place of the militia farmers for two months. Each man enrolled in the rifle corps would receive for a bounty a cow and a calf.²¹¹ He wrote to Brigadier General Wayne that although he knew he had exceeded his authority under the state constitution in this matter, he was determined to

²⁰⁹Ibid., p. 296.

²¹⁰Ibid., p. 297.

²¹¹Ibid., pp. 303-304.

support the military operations as best he could.²¹²

During the first session of the legislature it passed an Act to Relieve Distressed Citizens of the State.²¹³ Food rations were granted to widows and children of deceased republican soldiers through this legislation, and individuals also applied to the executive council for aid.²¹⁴ These rations, mainly ground up corn meal, were distributed by the military commissary.²¹⁵ The Executive Board, informed that there were people who drew rations they were not entitled to, appointed a committee to investigate them.²¹⁶

Certificates redeemable by the sale of the abandoned estates in Georgia were offered to purchase corn from the inhabitants of Beech Island in South Carolina. The islanders refused to sell unless given cash, which the state did not have.²¹⁷ The government was forced to have the corn impressed through the military commissary department, with a certificate indicating the quantity taken given as a receipt to be settled later.²¹⁸

²¹²Ibid., p. 304.

²¹³Candler, Revolutionary Records, vol. 2, p. 299.

²¹⁴Ibid., pp. 310, 315, 316, 321, 322, 323, 339.

²¹⁵Ibid., p. 312.

²¹⁶Ibid., p. 318.

²¹⁷"Letters of John Martin", p. 288.

²¹⁸Candler, Revolutionary Records, vol. 2, pp. 316-317.

By March, Governor Martin was writing to South Carolina in the hope that grain, or rice, could be procured there.²¹⁹ Once found, the food supplies proved difficult to transport. Rice was located in South Carolina but it was difficult to locate anyone able to retrieve it. Payment of 1/3 part of the rice was to be granted to the person or persons who delivered it to Augusta.²²⁰ It was then to travel under armed military guard to each county, where its distribution would be supervised by government officials.²²¹ A Mr. Jarvis, who told the government he knew where to obtain cattle and corn to feed the state, had to be supplied with transportation and protection in order to bring them to Augusta.²²²

Georgia was also in short supply of ammunition and salt.²²³ Martin asked Major Greene for two to three hundred pounds of powder and lead until the expected supplies from Philadelphia arrived. "One cause of the great consumption of ammunition is, that our back inhabitants are obliged to support their families almost entirely with gunning."²²⁴ On July 25, the governor requested that

²¹⁹Ibid., p. 322.

²²⁰Ibid., p. 333.

²²¹Ibid., p. 325.

²²²Ibid., p. 332.

²²³"Letters of John Martin", p. 287.

²²⁴Ibid., p. 304.

three thousand bushels of salt and six hogsheads of rum be obtained for the public use.²²⁵ Earlier that month, the Georgia delegates to the Continental Congress had advised Governor Martin to approach General Greene "with great delicacy and only for Special and particular purposes" when in need of supplies.²²⁶ Greene was their only channel of support and they were anxious that he take their requests seriously.

After debate, the Georgia legislature resorted to the bartering of slaves from the sequestered loyalist estates to obtain immediately needed supplies.²²⁷ People would no longer accept the certificates redeemable by the future sale of sequestered property. Having little faith that the state government would ever successfully sell sequestered estates or that they would live long enough to witness such an event, people preferred a visible commodity in exchange for goods needed by the government and the military. Initially used to purchase horses for Colonel James Jackson's troops ²²⁸, soon these "public negroes" were used to obtain a variety of items, including whiskey.²²⁹

²²⁵Candler, Revolutionary Records, vol. 2, p. 346.

²²⁶Smith, Letters of Delegates to Congress, vol. 18, pp. 634-635.

²²⁷Candler, Revolutionary Records, vol. 2, p. 306.

²²⁸Ibid.

²²⁹Ibid., p. 337.

The legislature appointed county agents to take an inventory of the property on the sequestered estates, and later allowed these agents to employ people to assist them in collecting cattle and other property stolen from the estates.²³⁰ The executive council reviewed the renting of a variety of confiscated items, including mill stones.²³¹ Andrew Shields was appointed by the council to gather up those slaves belonging to the sequestered estates that had not been hired out.²³² Magistrates were asked to rent out all the remaining plantations belonging to sequestered estates and resolve disputes over the possession of those already rented, and report back to the Council.²³³ In late April, the legislature requested that a full report of the expenditures on, sales, and monies (rents) received from these estates be presented, along with an account of exactly what property the state held in this manner, and to whom it was rented.²³⁴

The assembly passed the Confiscation and Banishment Act on May 4, 1782.²³⁵ It banished 277 people from the state, and confiscated their property and debts due as of

²³⁰Ibid., pp. 305, 321.

²³¹Ibid. p. 308.

²³²Ibid., p. 312.

²³³Ibid., p. 324.

²³⁴Ibid., p. 328.

²³⁵Ibid., vol. 1, pp. 373-397.

April 1775. The property of Georgia loyalists no longer in residence was also confiscated. The board of thirteen commissioners selected to administer this act were to advertise and supervise sales of property. The Assembly would check their records. Between June 13 and October 21, 1782, there were eight sales of loyalist property which brought to the state a recorded £344,980. The first three were held before the British evacuated Georgia and they offered choice tidal rice land and plantations as well as lots, businesses and wharves in Savannah and Sunbury. These sales were popular as they offered Georgians a chance to purchase valuable loyalist property and recoup some of their losses.²³⁶

Deputy Pay Master Joseph Clay was one of the people purchasing property at these early sales. He had fled Georgia in 1779, taking his large family and as many slaves and possessions as he could with which to build a new life. He relocated on the Ashley River in South Carolina and later took a house in Charleston. He left twelve or thirteen of his best slaves in Georgia, as well as household goods, cattle, hogs and sheep, never expecting to see them again. He hoped that "it will be in my power (sooner or later) to make it up when I get back, out of the property of some of

²³⁶Robert S. Lambert, "The Confiscation of Loyalist Property in Georgia, 1782-1786", William and Mary Quarterly 3rd Series 20 (January 1963), pp. 80-94.

their loyal friends."²³⁷ He succeeded. Clay purchased 500 acres of Governor Wright's estate between the Ogechee and Canauche River on June 13, 1782 while the Governor was still in Georgia.²³⁸ He later purchased 500 acres of Lieutenant Governor Graham's estate on the Ogechee River.²³⁹ Including these two purchases, Clay had bought nearly 4,000 acres of land from the confiscated estates of royalists by July 1782.

Unlike Clay, however, many buyers of property at these early sales could not pay the state for the land. Over the next few years, the legislature instituted various changes in the procedure to sell the confiscated estates which limited the number of buyers to those more able to pay. Sales for 1783-4 equalled £55,800 and the last large sale initiated by the state, in September 1785, brought in £8,963.²⁴⁰

In May 1782, just before the Assembly adjourned for want of provisions,²⁴¹ Governor Martin made it clear to the representatives that he was greatly annoyed at having to live in poverty while governor. He had not sufficient money to employ a private secretary out of his own salary, nor

²³⁷Letters of Joseph Clay, pp. 131, 127-128, 156.

²³⁸Candler, Revolutionary Records, vol. 1, p. 434.

²³⁹*Ibid.*, p. 512.

²⁴⁰Lambert, "Confiscation", pp. 80-94.

²⁴¹"Letters of John Martin", p. 309.

could he purchase "the most trifling necessities." He supplied his family with provisions from the commissary and gave permission to various members of the Assembly and the Guard to obtain grain on his private credit. He could only hope that the Assembly did not intend to have him become "a butt, a laughing stock, to the Continent; it would be a disgrace, a scandal."²⁴²

Royal Governor Wright continued to maintain civil authority in and about Savannah even as he shipped government documents from 1780 through 1781 to England.²⁴³ Wright attempted to get a quit rent law passed in the Assembly to generate money within the province.²⁴⁴ He wrote to Under Secretary Knox that it had been a big mistake to reestablish royal government in Georgia without supporting it with military force.²⁴⁵ The Assembly, after learning that His Majesty was pleased with the conduct of all royalists in Georgia and would protect them, responded that they would like to see that promise of protection more fully carried into execution.²⁴⁶

Regular business regarding property and town life

²⁴²Ibid., p. 308.

²⁴³Letters of James Wright, p. 364.

²⁴⁴Ibid., p. 365.

²⁴⁵Ibid., pp. 373-374.

²⁴⁶Candler, Revolutionary Records, vol. 2, pp. 658-659.

continued despite Savannah's increasingly precarious position. Various notices appeared in the newspaper from the provost marshal, advertising property for sale, giving notice that writs of attachment had been declared upon the property of specific individuals by a plaintiff, and issuing notice that those who had yet to pay the provost marshal's office for property received at a sale would be held in contempt of court.²⁴⁷ The Assembly set up a committee to assist refugees and people in distress.²⁴⁸ Lists of those who failed to appear for jury duty were published.²⁴⁹ The King's birthday was observed on June 4.²⁵⁰

The House of Assembly sent a letter to Sir Guy Carleton, newly appointed British commander in North America on May 31, 1782, reflecting their attitude of maintaining the status quo. In it they stated their hopes that a reconciliation could take place between America and the Mother Country, and that "the Property and Interests, of His Majestys faithful Subjects will not be neglected, nor our Peculiar sufferings and Loyalty forgot." They detailed their unswerving loyalty to the king and the price they had

²⁴⁷Royal Georgia Gazette, January 24, March 14, March 21, May 23, June 6, 1782.

²⁴⁸*Ibid.*, January 24, 1782.

²⁴⁹*Ibid.*, January 24, April 25, 1782.

²⁵⁰*Ibid.*, June 6, 1782.

to pay for it: "...we have been Persecuted by our Enemies, deprived of our Possessions, and some Hundreds have been most Cruelly Murdered..."²⁵¹

However, by this time Carleton had received orders to evacuate New York, Charleston and Savannah. He ordered General Alexander Leslie to evacuate troops from Savannah and Charleston, with no destruction permitted.²⁵² This news reached Savannah on June 14, "which reduced many of the loyalists almost to distraction."²⁵³ The Assembly wrote a letter to General Leslie on the 16th, presenting the idea that East Florida would be an appropriate asylum for the Savannah loyalists and their slaves. They stated that the increase in population would enable East Florida to defend itself better.²⁵⁴ The Upper House also wrote, stressing that Savannah was in good shape defensively, and they questioned an evacuation as the enemy was weak, and the inhabitants loyal.²⁵⁵ The Council met and determined on June 21 that it would not be wise for the Crown officers and other loyal subjects to remain in Savannah once military

²⁵¹Candler, Revolutionary Records, vol. 2, p. 661.

²⁵²Coleman, American Revolution, p. 144.

²⁵³[Stokes], A Narrative of the Official Conduct, p. 92.

²⁵⁴Candler, Revolutionary Records, vol. 2, pp. 664-665.

²⁵⁵Ibid.

support had been removed.²⁵⁶

But they were hopeful of delay. Evidently crops had been planted during the early spring of 1782, for Governor Wright used the potential harvest as a bargaining chip with General Leslie. He claimed that considerable naval stores and produce, including rice, Indian corn, pease and potatoes would be used by the rebels, rather than providing support for British troops, if Savannah was evacuated immediately.²⁵⁷

During the past year Governor Wright had beaten famine, fortified the capital, maintained a civil government and received military reinforcements. Now he must give it up. Months earlier, he had written to Under Secretary Knox:

The Generals etc. etc. have always Set their faces against this Province, as I have frequently Wrote you, and I Can't tell why, unless it is because the King has thought Proper to Re-establish his Civil Government here--which the Military Cannot bear--.²⁵⁸

The evacuation of Georgia lasted three weeks and Tybee Island was the staging area. There fortifications were constructed to protect the approximately 3,100 loyalists and 3,500 slaves awaiting evacuation.²⁵⁹ Rebel militia

²⁵⁶Davies, Documents of American Revolution, vol. 21, p. 119.

²⁵⁷Ibid., p. 118.

²⁵⁸Letters of James Wright, p. 371

²⁵⁹Clyde R. Ferguson, "Functions of the Partisan-Militia in the South During the American Revolution: An Interpretation", The Revolutionary War in the South: Power, Conflict, and Leadership, W. Robert Higgins, ed. (Durham: Duke University Press, 1979), pp.

Colonel James Jackson estimated "The number of Slaves lost to the state could not have been less than 5 to 6000."²⁶⁰ Many people died during this time due to the bad water and extreme heat.²⁶¹

Sir Guy Carleton, General Leslie and Admiral Digby managed to obtain between 34 and 36 transports and victuallers.²⁶² These ships transported loyalists and their slaves to St. Augustine, England, and Jamaica. Troops were sent to Charleston and New York.²⁶³ A shortage of ships forced many civilians to find their own way to East Florida.²⁶⁴ In a letter to Lord Shelburne, Governor Patrick Tonyn of East Florida noted that with the evacuation of Georgia and South Carolina 2,165 royalists and 3,340 slaves had arrived, with more expected. "General Leslie has sent six months provisions but no necessary implements of agriculture or wherewithal to purchase, and many are without

267-268.

²⁶⁰Lilla M. Hawes, ed., "Miscellaneous Papers of James Jackson, 1781-1798", Georgia Historical Quarterly 37 (1953), p. 78.

²⁶¹[Stokes], A Narrative of the Official Conduct, pp. 92-93.

²⁶²Ferguson, "Functions of the Partisan-Militia", pp. 266-267; Davies, Documents of American Revolution, pp. 17-18.

²⁶³Coleman, American Revolution, p. 145.

²⁶⁴Ferguson, "Functions of the Partisan-Militia", p. 268.

clothing.²⁶⁵

In the narrative Wright published upon his return to England he noted:

"But by the hasty evacuation the King's faithful and loyal subjects were most cruelly abandoned and reduced to the sad necessity of forsaking their valuable possessions, which many hundreds did and became overwhelmed in difficulties and distresses which they are not able to surmount, and this rather than swerve from their allegiance."²⁶⁶

Those loyalists who were evacuated in many cases suffered financially, emotionally and physically. Their very lives were utterly changed. Those people remaining in Georgia, rebel and loyalist alike, continued to suffer depredations and feared for their lives and property until the formal end of the war.

General Anthony Wayne granted protection to those loyalists who chose to stay in Savannah. Desperate for supplies, Wayne, with the approval of the state government, permitted Savannah merchants to remain "... a reasonable time to dispose of their goods and settle their affairs."²⁶⁷ This contract was confirmed reluctantly by the Continental Congress, for among other things, it was based on the premiss that commerce with Great Britain was a

²⁶⁵Davies, Documents of American Revolution, vol. 21, p. 136.

²⁶⁶Ibid., p. 119.

²⁶⁷Moultrie, Memoirs of American Revolution, vol 2, pp. 339-340.

good thing.²⁶⁸

Georgia was now completely in the hands of the state government and army. It was officially a part of the United States, with a functioning state government and settlers upon the land. The chaos created by the simultaneous events of social and political revolution and local civil war had been valiantly held in check by civil government. This chaos now began to abate. Those who had remained in Georgia through political maneuvering, those who had survived by their cunning and wits in the back country or along the Indian frontier or sea coast, and those who returned at the end, having fled earlier, all began the business of legally exercising their property rights. They did so, it is easy to imagine, with the keen hope that this government would remain in authority for some time to come.

²⁶⁸Smith, Letters of Delegates to Congress, vol. 19, pp. 521-522.

IV. OATHS AND ALLEGIANCE

There is one Principle of Religion which has contributed vastly to the Excellence of Armies, who had very little else of Religion or Morality, the Principle I mean is the Sacred obligation of oaths, which among both Romans and Britans, who seem to have placed the whole Religion and Morality in the punctual observance of them, have done Wonders. It is this alone which prevents Desertions from your Enemies. I think our Chaplains ought to make the Solemn Nature of the Sacred obligation of oaths the favorite Subject of their Sermons to the soldiery. Odd as it may seem I cannot help considering a serious sense of the solemnity of an oath as the corner Stone of Discipline, and that it might be made to contribute more, to the order of the Army, than any or all of the Instruments of Punishment.¹

The Resolution of Congress restraining military officers from offering oaths by Way of Test to the Inhabitants I hope has reached you. I cant account for your Convention's submitting to this usurpation on the Rights of their Constituents. To impose a Test is a sovereign Act of Legislation - and when the army become our Legislators, the People that moment become slaves.²

Your second reason for staying here is to protect the Tories. Pray, my lord ease your mind upon that subject. Let them take care of themselves. The little ones may be pardoned whenever they apply. The great ones have joined you from conscientious or from interested motives. The first in having done what they thought right will find sufficient comfort. The last deserve none.³

Royal and rebel/republican governments in Georgia found oaths and paroles convenient mechanisms for at least superficially controlling the population. Initially, each government needed to prove to the citizens that it existed

¹Smith, Letters of Delegates to Congress, vol. 7, pp. 162-163.

²Ibid., vol. 3, p. 374.

³Ibid., vol. 10, p. 328.

and oaths served to align publicly the individual swearer with it. The rebel/republican government was tougher about allegiance than the royal government of James Wright. They backed up their call for oath taking with threats of violence and death and they attempted to run loyalists out of the state when they could and harass those placed on parole. Wright could do little more than demand that the oath of allegiance be taken and make an attempt to keep rebels out of his government. With little support from British or Continental forces, however, each government grew to realize the necessity of keeping as many citizens residing in Georgia as possible to serve as militiamen and protect the settlements from plunderers. This need to retain the population eventually motivated each government to accept a flexible loyalty from Georgians.

When the Continental and British armies were present in Georgia, they also tolerated flexibility of allegiance. They needed farming militiamen to keep the settlers and the army supplied with food and to provide additional fighting forces when necessary. Neither military force was interested in ridding Georgia of a traitorous population through oaths; rather, they wanted to turn them to their side and use them to fight the war. Similarly, both rebel/republican and royal governments turned from the oath to the more concrete proof of allegiance, that of picking up a gun and firing it at the enemy.

Many Georgians maneuvered successfully through the complexities of this shifting political environment for many years. Wishing to maintain their property during a civil and international war, they aligned themselves with whichever civil authority was in power. The oath was as pliant a tool for the oath-taking citizen as it was for the government or army demanding it. As a result, the oath lost its power as a firm political weapon and became a formalized protocol for changing sides.

Back in 1775, however, the newly formed provincial government put into practice the traditional idea that oaths were an effective means to control the population politically. The first overt act of support the Council of Safety tried to initiate among the population of Georgia was for the Continental association. This association was a policy of non-importation and non-exportation to Britain and the West Indies established by the Continental Congress. It was not initially supported in Georgia, and when it was adopted by the provincial congress on July 6, 1775, not easily enforced.⁴ This in large part had to do with the fact that the Georgia coastline was difficult to patrol and many of her citizens continued to sell their rice to East Florida.⁵ Even Georgia delegates to the Continental Congress in September 1775 petitioned for permission to sell

⁴Coleman, American Revolution, pp. 45-49, 61.

⁵Ibid., p. 169.

cargoes that had been shipped prior to adoption of the association, as well permission to export certain articles.⁶ It appears that, despite wanting the approval of the Continental Congress, many in Georgia did not want to do without the benefits of trade.

The Council of Safety, when informed that the economic sanctions of the association were not being complied with, set up committees to intervene physically in the illegal exportation activities along the coastline.⁷ The Council wanted to remain in good standing with the Continental Congress and the unwillingness of Georgians to comply with the association did not look good. The Council was also apprehensive of British military support for the exportation of produce by merchants in Savannah.⁸ Subsequently, the Council coerced Georgians into at least giving the impression of support for the association by requiring them to place their signature upon it. In a letter to Secretary Dartmouth, Governor Wright described the activity:

throughout the Province every Method has been used to Compell the People to Sign the Association, and those who Decline, they threaten to Proscribe, and for fear of that, and losing their Property, or having it Destroyed, Great Numbers have been Intimidated to Sign, and I Suppose by far the greater Part of the Province have Signed it, indeed it is said there are few in the

⁶Smith, Letters to Delegates of Congress, vol. 2, p. 11.

⁷Hawes, Minutes of Governor and Council, p. 24.

⁸Ibid., p. 27.

Country who have not.⁹

It is not possible to know how neutrals, royalists and rebels viewed the signing of this association. Governor Wright interpreted the signing of it as an act that placed the signer under the authority of the Provincial Congress.¹⁰ He was still leading the royal government in Georgia, and from his perspective the political situation was one of rebellion. The association itself was ostensibly concerned with using economic means to achieve political ends, and was proving difficult to enforce among declared rebels, let alone neutrals or royalists. There were consequences for not signing, however, as Doctor Traill in the Parish of St. Philip learned when he was ordered to leave in eight days.¹¹ Under the circumstances, signing the association was possibly a way for many royalists and neutrals to remain on their land and blend in with the rest of the population while keeping their allegiance to themselves.

The Council of Safety targeted individuals for rough treatment even before it received the resolution from the Continental Congress "to arrest and secure every person . . . whose going at large may in their opinion endanger the safety of the Colony or the liberties of

⁹Letters of James Wright, p. 205.

¹⁰Ibid., p. 209.

¹¹Ibid., p. 205.

America."¹² John Hopkins, mariner, might have been involved with the illicit coastal trade. He related in a deposition submitted to Governor Wright on July 29, 1775 how he had been taken from his supper table by a mob, tarred and feathered then hauled up and down the streets of Savannah in a cart for nearly three hours. Threatened with death if he did not drink a toast to American liberty, he did so and was eventually released.¹³ George Barry, a prosperous farmer on Tybee Island, supplied the British with provisions. During February and March 1776 he was frequently harassed, his stock taken and destroyed, his house and supply of lumber burned and himself taken prisoner. He refused the oaths frequently tendered him and went to St. Augustine when released.¹⁴ Others, such as the Reverend Haddon Smith, Rector of the Parish of Christ Church in Savannah, were deemed an enemy to America.¹⁵ Thomas Brown, a wealthy young immigrant from England, was tarred, feathered and tortured at Augusta on August 1 before making his escape into South Carolina.¹⁶ By early January 1776, Governor Wright reported that it had been publicly announced that

¹²Hawes, Minutes of Governor and Council, p. 33.

¹³Letters of James Wright, pp. 201-202.

¹⁴Egerton, Royal Commission, p. 208.

¹⁵Letters of James Wright, p. 203.

¹⁶Edward J. Cashin, Jr. and Heard Robertson, Augusta and the American Revolution: Events in the Georgia Backcountry 1773-1783 (Darien: Ashantilly Press, 1975), p. 9.

private citizens must either sign the association or leave the province.¹⁷

After the departure of royal officials, rebels set up a more formal government in April 1776 and many loyalists remained quiet in the country. The Council, a continuation of the Council of Safety, ordered that fines be collected from non-associates, or those not willing to sign the association.¹⁸ They could not force everyone to sign or leave.

In June, however, the Council got more specific and listed forty-three individuals as people whose going-at-large was dangerous to the liberties of America.¹⁹ The July 1 Council minutes indicate that two individuals listed, Dr. John J. Zubly and Edward Telfair, had been arrested and then improperly released by the Chief Justice, and they were ordered taken into custody once again.²⁰ Telfair, a Savannah merchant, was later a whig delegate to the Continental Congress in the summer of 1778.²¹ Dr. Zubly, a Savannah minister, was among the first delegates to attend the Continental Congress from Georgia in the fall of 1775

¹⁷Letters of James Wright, p. 230.

¹⁸Council of Safety, p. 63.

¹⁹Candler, Revolutionary Records, vol. 1, pp. 146-147.

²⁰Ibid., vol. 1, p. 68.

²¹Coleman, American Revolution, p. 93

²² but he resigned when it became apparent there would be no reconciliation with Great Britain.²³ It was clearly difficult for the Council to decipher political affiliations at this point in time. The government did not have the power to drive large numbers of suspected loyalists out of Georgia even if they could figure out who and where they were. Most people on this list remained at liberty or went to the British colony in East Florida.²⁴

For those people who remained, the political environment became more complex. John Jamieson and James Robertson, both on the list, stayed in Georgia and were required to take an oath of neutrality in June 1776. This oath was administered to many people about the time of the Declaration of Independence and required them to be faithful to the cause of America, take no part against it, and not to hide weapons.²⁵ Robertson, a lawyer, was confined in jail and took the oath of neutrality in order to be released. He justified his actions by the fact that the oath did not contain an abjuration, or renunciation, of the King. He had refused to attend the whig provincial congress in 1775,

²²Ibid., p. 91.

²³Ibid., p. 66.

²⁴Heard Robertson, ed., "Georgia's Banishment and Expulsion Act of September 16, 1777", Georgia Historical Quarterly 55 (Summer 1971), p. 277.

²⁵Egerton, Royal Commission, pp. 61-63.

although elected a delegate.²⁶ John Jamieson, a merchant whose business had failed by 1775, took the oath of neutrality in order to save his property and life, as he was in bad health and could not travel. He had been a member of the royal Assembly and published his opposition to rebel activities in the 1774 Georgia newspaper.²⁷

Many others not on the list were asked to take the oath of neutrality and support the association. James Butler, considered a substantial man and one of the "best" planters in Georgia, lived along the Great Ogeechee River. He took oaths in 1776 after having been imprisoned and then let out on parole. He was described by loyalist Georgians as having temporized at this time.²⁸ Josiah Tatnall, a planter and sawyer living near Savannah, was a reliable friend to royal government. After Wright left, he went back to his plantation and refused the association and oath, although frequently tendered him.²⁹ Basil Cowper, merchant and planter, joined the rebel Assembly and was a member until Governor Wright left in January 1776. Loyalist Georgians described his actions as being motivated by a desire to protect his property, by principles of moderation, and with the idea that he could keep the port of Savannah open and

²⁶Ibid.

²⁷Ibid., pp. 341-342.

²⁸Ibid., pp. 249-250.

²⁹Ibid., pp. 318-319.

prevent violence. He fled to Jamaica in 1776.³⁰ Pressure to leave Georgia or to join the rebel cause was applied to suspected loyalists through imprisonment and physical harassment. These acts were carried out by the republican government in an environment of opportunistic maneuvering.

A well known Georgian embarrassed the state government when he was caught breaking the association by trading with East Florida. Through the contents of an intercepted letter written by royal Governor Patrick Tonyn of East Florida to Secretary of State Lord George Germain, it became known that George McIntosh, a member of the Georgia Council of Safety, had in May of 1776 been involved with a cargo of rice that had been loaded in St. Andrew's Parish and sailed to St. Augustine by William Panton, a known royalist.³¹ Not only did this break the association, but Panton's name was one of the 43 that the Council of Safety published in its list of those dangerous to the liberties of America in late June 1776.³² Furthermore, George McIntosh was the brother of Lachlan McIntosh, brigadier general and Continental commander of the Georgia troops.³³ In early January 1777, John Hancock, then President of the Continental Congress, wrote to Governor Archibald Bulloch asking him to apprehend

³⁰Ibid., pp. 243-246.

³¹Coleman, American Revolution, pp. 88-89.

³²Candler, Revolutionary Records, vol. 1, p. 67.

³³Coleman, American Revolution, pp. 87-88.

George McIntosh for treason.³⁴ Button Gwinnett, who became President of Georgia in February, had McIntosh arrested and put in irons in the common jail.³⁵ Although the Continental Congress eventually determined in October that there was insufficient evidence to proceed with McIntosh's trial,³⁶ the incident further factionalized the whigs.

Henry Laurens, Continental Congress delegate from South Carolina, was upset about this incident. He wrote to John Wereat, Savannah merchant and Continental prize agent: A transgression against our Associations [and] against our Laws is a greater Crime than Housebreaking, and by a Man vested with public confidence is aggravated in proportion to its pernicious influence and effects." He went on to urge:

Let us in this day of tryal divest ourselves of partial affections, extend every warrantable kindness of humanity even to conquered Enemies but let us know no Man as a friend or a Brother who in the Strictest Sense of the term, falls Short of the Duty of friend and Brother.

And finally he suggested that those individuals who were politically neutral be alertly observed. But apostates, those such as George McIntosh who had abandoned what they had once believed in, should be treated severely.³⁷

55. ³⁴Smith, Letters of Delegates to Congress, vol. 6, pp. 54-

³⁵Coleman, American Revolution, p. 88

³⁶Ibid.

³⁷Smith, Letters of Delegates to Congress, vol. 7, p. 577.

Opportunism as practiced by a member of the state government in time of civil war and revolution should not be easily forgiven, according to Laurens, if for no other reason than it set such a bad example.

Savannah was experiencing daily riots and disturbances and, Governor John Adams Treutlen, as advised by the Council, on July 16, 1777 issued a proclamation prohibiting them.³⁸ He called the Assembly into an emergency session and urged the members to do something about the active loyalists within Georgia:

Gentlemen if you do not purge this State from those internal Enemies all your outward operations will prove ineffectual, you will remain a weak and feeble body, because of those Vermin in your Bowels.³⁹

On September 16, 1777 the General Assembly adopted a resolution entitled "An Act for the Expulsion of the Internal Enemies of This State". The continued depredations along the frontiers of Georgia were felt to be the work of Indians, encouraged and supported by Governor Patrick Tonyn of East Florida. His activities in turn were aided by people within the state of Georgia, and these were the ones the Assembly wanted expelled.

Georgia had been slow to enact legislation of this

³⁸Lilla M. Hawes, ed., "Collections of the Georgia Historical Society and Other Documents: Minutes of the Executive Council, May 7 through October 14, 1777", Georgia Historical Quarterly 33 (December 1949, March and June 1950), p. 34.

³⁹Ibid., p. 114.

sort.⁴⁰ This was perhaps in part because the political climate of the state was such that a great deal of opportunist maneuvering was indulged in that muddled the issue of allegiance. Perhaps there was a personal element as well that slowed legislative action to rid the state of royalists. Elite republicans were reluctant to enact laws that would strip their former social equals of their property, despite the fact that they were loyalists. Richard Howley, former Georgia governor, offered General Horatio Gates insights into Georgia's political situation at this time. Referring to the highly democratic constitution created by the radical faction in opposition to the elite faction formally in control of Georgia government, he wrote:

The form [of radical government] gave umbrage to Some persons in the State, and the Decisive laws they Enacted against the friends of the king of Great Britain, who were Inhabitants, and compelled to Retire, hurt their feelings."⁴¹

Not only did this law break up the old elite planter community, but it indirectly threatened them with the possibility that their land might be taken as well. Property was possibly a more concrete social bond than loyalty for many Georgians.

Committees of twelve were appointed in each county and asked to meet on the first and third Tuesday of every month, or more often, if necessary in order to enforce the

⁴⁰Coleman, American Revolution, p. 87.

⁴¹Smith, Letters of Delegates to Congress, vol. 15, p. 518.

expulsion act. They were empowered to send for people and papers. The individual summoned by the county committees had to be a white male of 21 years or older. If he could appear before the committee with two or more undoubted friends to the American cause to vouch for him, and, if this was accepted by the committee, he next took an oath. The oath promised allegiance to Georgia and the renouncing of allegiance to King George III: it entitled him to all of the privileges, protection, and immunities of the state. Inability to comply with these requirements resulted in the individual being forced to leave Georgia within 40 days, under penalty of death. Half of his property would be confiscated by Georgia under the supervision of commissioners. Should he not appear when summoned, he would be located and expelled with all his property forfeited. Should he return to Georgia without permission or be found fighting against the states, he would be executed upon conviction.⁴²

A variety of paperwork resulted from this oath: summons to the committee, the oath itself, the order declaring that the individual summoned to say the oath had refused to do so and was ordered out of the country, permits to remain in Georgia longer than at first specified by the committee, and, in a short-lived gesture of generosity on the part of the republican government, the right to leave a

⁴²Robertson, "Georgia's Banishment", pp. 278-281.

power of attorney to sell half of the property with the other to remain on pledge.⁴³ The act itself, along with the above mentioned paperwork, were offered as evidence by prudent, well-organized royalists petitioning the Royal Commission after the war was over, regarding their losses and services.

Oaths were administered only to people targeted as loyalists.⁴⁴ Over the next year numerous loyalists found the oath of allegiance to the American cause and the abjuration, or renouncement, of allegiance to George III impossible to make. Peter Dean, who arrived from England in 1774 and had supported royal government in Georgia until Governor Wright left, then hid in the countryside, would not swear the oath when brought before a committee. He was banished in October 1777 but allowed to sell half of his property with the other half held as security against his not bearing arms against the state. He went to the West Indies.⁴⁵ James Robertson had taken the oath of neutrality in 1776, but would not swear the oath when called upon to do so in October 1777. He was ordered to leave Georgia within 40 days and sailed for the Bahamas with a permit from the whig governor dated December 10, 1777.⁴⁶

⁴³Egerton, Royal Commission, pp. 318-319, 61-63.

⁴⁴Ibid., p. 340.

⁴⁵Ibid., pp. 64-65.

⁴⁶Ibid., pp. 61-63.

Josiah Tatnall, who had not sworn any prior oaths, refused this one as well. When he was summoned before the committee, "he told them that he despis'd them and their Oath."⁴⁷ He received permission to take longer than the original 60 days given him to leave Georgia and in December 1777 he sailed to the Bahamas. Singularly unfortunate in his time of travel, Tatnall's ship was seized by an English privateer en route to the Bahamas. Later, the ship he was traveling on to England was seized by D'estaing's fleet and brought to Philadelphia. He eventually reached England in December 1778.⁴⁸ John Jamieson had taken the oath of neutrality in 1776 but would not swear to the oath of allegiance and abjuration in 1778. He was ill, as he had been two years before, and travelled only as far as South Carolina after leaving Georgia. There he took the South Carolina oath in order to collect debts and be able to take his slaves there.⁴⁹ Another loyalist, Colonel John Philips of South Carolina, was held prisoner in Augusta for not swearing to this oath in the spring of 1778. He was tried and condemned to be hung in December 1778 and waited 15 days "with the Gallows before the Window".⁵⁰ That month British forces retook Savannah and part of Georgia,

⁴⁷Ibid., p. 318.

⁴⁸Ibid., pp. 318-319.

⁴⁹Ibid., pp. 341-342.

⁵⁰Ibid., p. 48.

and Philips was not executed because of fear of British retaliation for his death.⁵¹

Others had no trouble taking this oath. John Henderson apparently took every oath offered him and gave a bond for £15,000 that he would take no active part against Americans. He felt that taking the oath was of much less consequence than taking part with the rebels, and he did not consider the oaths as lawful for they were tendered to him by people in rebellion.⁵² Basil Cowper, former member of the rebel congress who fled in 1776, came back from the West Indies in 1777, took the oath in 1778 and was placed on parole.⁵³

On March 1, 1778 the Assembly issued an Act of Attainder, naming 117 individuals no longer in Georgia who were accused of high treason and who would be killed if they returned or took up arms against the state or states.⁵⁴ Among these were more ordinary individuals, ten who filed claims listed in The Royal Commission on American Loyalists. Of these, George Barry, John Lightenstone, John Murray and Alexander Wylly had left Georgia in 1776 without taking any oaths. Peter Dean, John Simpson and Josiah Tatnall had remained in Georgia and refused all oaths. John Jamieson and James Robertson remained and took the neutrality oath in

⁵¹Ibid.

⁵²Ibid., pp. 339-340.

⁵³Ibid., pp. 243-246.

⁵⁴Candler, Revolutionary Records, vol. 1, pp. 336-347.

1776 but refused to take the oath of allegiance and abjuration in 1777. Basil Cowper had left Georgia in 1776, returned in 1778 and left in 1779. All of these men, with the exception of George Barry, returned to Georgia when it was retaken by the British and were actively involved with defending Savannah during the siege and/or were a part of the royal government under Wright.

The case of John Murray sheds light on the state government during 1778. He had applied for and received permission to leave Georgia in May 1776 ⁵⁵ and when his property was attainted, he was in England. Sometime in the fall of 1778 he arrived in Charlestown, South Carolina and got a permit to enter Georgia. While there, he petitioned the government to be taken off the list of attainder and be allowed to live on his land. He subsequently misplaced this petition to the Georgia governor and so could not present it as evidence before the Royal Commission. He claimed that it stated only that he had done nothing against the rebels. He asked the Georgia government to put him on trial and "they refused to try him and a Mob carried him off and set him down on the Carolina side of the river".⁵⁶ It appears from this action that the government was serious about keeping attainted royalists out of Georgia. Perhaps they did not have him executed because he had acknowledged their

⁵⁵Ibid., vol. 1, p. 48.

⁵⁶Egerton, Royal Commission, pp. 193-194.

authority by requesting a permit to leave and later enter Georgia and present his case.

Very soon after Murray's removal, British troops under Lieutenant Colonel Archibald Campbell reoccupied Savannah and forced the state government and the remnants of its armed forces to flee to the northwest. Campbell's attitude toward the inhabitants was viewed as generous by one of his officers: "The Government here established is to the greatest Degree lenient, so that I conclude it is imagined they will be sooth'd into a Change of Sentiments and receive Money and Property as Greater Goods than Rebellion and Poverty."⁵⁷

A proclamation was issued by Commodore Hyde Parker and Campbell on January 3, 1779 and posted along the road from Savannah to Ebenezer announcing that British troops were in Georgia. It offered protection to all citizens and their property "on the Condition that they shall immediately return to the Class of peaceable Citizens, acknowledge their first Allegiance to the Crown, and with their Arms support it."⁵⁸ Deserters were pardoned if they returned within three months. All inhabitants were required to take an oath of allegiance to the king, which included a renunciation of the Continental Congress. "War would be waged" against

⁵⁷Crary, Price of Loyalty, p. 272.

⁵⁸Campbell, Journal of an Expedition, p. 35.

those who opposed the reestablishment of civil government.⁵⁹ Campbell wanted a population of peaceable settlers who had pledged their allegiance to the King and would fight when asked.

A proclamation was issued by Campbell on January 8 offering a reward of ten guineas for any member of a rebel committee or Assembly brought to a military post. A reward of two guineas for any other rebel was offered.⁶⁰ Those who had wielded the power of the rebel oaths were now in a position to be hunted down and turned in by the very people they had harassed.

Arriving in Augusta, the British army found "but a few families, and some of these had but the female part at home." After a few days the men returned, took the Oath of Allegiance and agreed to form militia companies in the different districts and to keep guard at various stations. They were allowed to elect their own officers:

but they could not be brought to any regularity; therefore no real, substantial Services from them could be depended upon or, for some time looked for but by people of too sanguine Expectations who would not consider that they were mostly Crackers, whose promises are often like their Boasts.⁶¹

Farther to the west of Augusta, and closer to the Indian Territory, the British found more helpful citizens.

⁵⁹Ibid., pp. 35-36.

⁶⁰Ibid., pp. 38-39.

⁶¹Nunis, Jr., "March from Savannah", p. 286.

[S]ome from Wrightsborough and the upper Country, supplied our Commissary with flower, and others were preparing to distill Whisky to supply the Want of rum; a magazine was formed, ovens built and every Step taken to have a well-regulated, and well-supplied Garrison established here.⁶²

In addition, British emisaries were sent into South Carolina and contact was made with an Indian chief, who came to the British "to receive and give a Talk, was loaded with presents and sent back satisfied."⁶³ Although the British had hoped for Creek assistance during the reoccupation of Georgia, this support never materialized.

By February 10, Campbell noted that 1,100 men had taken the Oath of Allegiance and formed into 20 militia companies, "and a proper Rendezvous established in each District, convenient for their respective Plantations."⁶⁴ He did not receive enough reliable support to remain in the area very long, however. When the British learned that rebel forces were moving against them in the Augusta area, they ordered out the newly formed militia to strengthen the posts along the Savannah River. One of Campbell's men noted "it was plainly seen that they could not be dpended [sic] upon; if their Asistance was seriously wanted; they could not be got to turn out or asemble."⁶⁵ Campbell and his army

⁶²Ibid.

⁶³Ibid.

⁶⁴Campbell, Journal of an Expedition, p. 60.

⁶⁵Nunis, Jr., "March from Savannah", p. 286.

traveled back to Savannah, abandoning those who had pledged their allegiance to the King to face the whig militia as best they could.⁶⁶

At a council of war held at head quarters at the Burke County Jail on January 14, 1779, rebel military leaders issued a proclamation naming nine individuals to be taken prisoner, or if absent their estates to be confiscated for the use of the state. All others that had taken the oath of allegiance to the king were to come in within three days or be considered enemies and dealt with accordingly.⁶⁷ The rebels wanted a quick turn around in allegiance by settlers in the back country, as had the British. They acknowledged the power of the oath to King George III by insisting that it be broken, and they showed their own power by insisting that it be broken during a specified period of time and at a place of their choosing. Once broken, the oath could be replaced by a new pledge. The military leaders of both sides held to this pattern of oath breaking and renewal for the rest of the war.

By August 1779 the state government acknowledged that keeping the settlers upon their land was of primary importance in the back country and it was a task difficult to accomplish without military support. In a letter to

⁶⁶Cashin, "'But Brothers'", p. 258.

⁶⁷Robert S. Davis, Jr., Georgia Citizens and Soldiers in the American Revolution (Easley, South Carolina: Southern Historical Press, Inc., 1979, reprint 1983), p. 64.

General Benjamin Lincoln of the Continental Army they wrote:

We are fearful, that in case the British Troops should move up this way, the greatest part of the inhabitants, worn out with fruitless opposition, and actuated by the fear of loosing their all, would make terms for themselves . . . But even should the British Commander not bend his force this way, a great many families, harrass'd and unsupported would remove far Northwardly (for which, they are already thinking of preparing.) And this dangerous migration, nothing but the appearance of support can prevent.⁶⁸

Unless there was military protection, the settlers apparently made up their own minds about how to best survive, and their decisions were not based upon political ideals.

Back in Savannah, Campbell did the best he could picking local men for temporary royal government posts. Among them was Lewis Johnston, who had remained in Savannah during the whig government, had refused all oaths and considered himself a prisoner of the republican government.⁶⁹ He was appointed Superintendent of Police, the first member of the Council, chief justice and treasurer of Georgia.⁷⁰ William Telfair, in business with brother Edward Telfair and Basil Cowper for a number of years prior to the war, had been in England since 1772. (His brother became a member of the whig government and Basil Cowper did too, for a brief time.) William returned to Savannah

⁶⁸Candler, Revolutionary Records, vol. 2, pp. 157-158.

⁶⁹Egerton, Royal Commission, pp. 246-247.

⁷⁰Campbell, Journal of An Expedition, p. 116, n. 104.

knowing it was under republican government with the intention of recovering some of the L7,000 worth of debts owed his business. He was forced to fight against the British invasion force, but took no oaths.⁷¹ Campbell appointed him assistant Superintendent of Police, Commissioner of Claims and a member of Council.⁷² When James Wright returned to Savannah in July 1779 and formed a civil government, he retained Lewis Johnston as a member of his Council ⁷³ but removed William Telfair.⁷⁴ Although by this time there were a few more men to choose from, Wright was forced, as Campbell had been, to make his selection from a limited group.

The siege of Savannah by combined Franco-American forces occurred during September and October 1779 and offered the royal governor a means of observing the loyalty of his people. If a man picked up a gun and defended the town of Savannah, or otherwise participated in its defense, he was loyal in Wright's opinion. From this time on, Wright appeared to dismiss past oath taking or temporizing as insignificant in comparison to this overt act. It was a simple and expedient line for him to draw and one he could rely on more readily than any written or spoken proof of

⁷¹Egerton, Royal Commission, pp. 360-361.

⁷²Campbell, Journal of An Expedition, p. 116, n. 105.

⁷³Hawes, Minutes of Governor and Council, p. 49.

⁷⁴Egerton, Royal Commission, p. 361.

loyalty.

Immediately upon the retreat of the Franco-American forces, Governor Wright initiated interrogations of those citizens who absented themselves during the siege. Those not found materially culpable were to be fined, take the oath of allegiance and sign the test. Those suspected of rebellion were to be jailed and brought to trial.⁷⁵ Wright was able to report to Lord Germain in January 1780, that the Court of Sessions had found three people guilty of misdemeanors for treasonable practices and had acquitted one for high treason. Two had confessed to misdemeanors for treasonable practices. Three additional indictments for misdemeanors and one for high treason were to wait until the June court session. He was hopeful that this would strengthen and support government, "which I assure your Lordship at Present Stands in Great Need of it."⁷⁶

The civilian population of Savannah contained many individuals whose experiences since 1775 reflected the complex political pressures and physical maneuverings they found necessary to endure in order to keep their land or return to it. In forming a civil government, the officials had to take this into account when making appointments. Chief Justice Anthony Stokes called the first Court of Oyer and Terminer and General Gaol Delivery for mid December 1779

⁷⁵Hawes, Minutes of Governor and Council, p. 53.

⁷⁶Letters of James Wright, pp. 272-273.

and appointed a Grand Jury. The Grand Jury published in the newspaper a list of grievances regarding the ruinous state of much of the city of Savannah and the surrounding countryside.⁷⁷ Presumably this group of jurors was selected because of their respectability as leading citizens who were anxious to get civil government functioning again so that civic order could be restored. It is interesting to note that among the list of 14 names published as members of this Grand Jury, at least three had taken oaths to the rebel/republican government and one had questionable dealings with it. John Henderson and Thomas Tollemash took the oath of allegiance, James Butler took numerous oaths and had been a member of the rebel assembly, and John Murray applied to the assembly to be removed from its Attainder list. During the loyalist claims hearings after the war was over, Lieutenant Governor Graham questioned Murray's loyalty, and Josiah Tatnall questioned Tollemash's.⁷⁸ It appears that in 1779, the fact that each of these men had been active in defending Savannah during the Siege and were willing to be part of royal civil government was sufficient justification to consider them loyalists.

In an address to the King from the judges and inhabitants of Georgia the following May, a group of citizens expressed "our attachment to Your Majesty's Person

⁷⁷[Stokes], A Narrative of the Official Conduct, pp. 67-70.

⁷⁸Egerton, Royal Commission, pp. 339-341, 249-250, 193-194.

and Government," and thanked him for sending troops. Among those who signed the address were: James Robertson, who had formerly taken the oath of neutrality to the rebel government and was now Attorney General of Georgia; John Murray, continuing as foreman of the jury; and Thomas Tollemash, John Henderson and James Butler, continuing as grand jurors.⁷⁹ As with the others, Robertson had fought to defend Savannah during the siege.⁸⁰ These men were the most appropriate to serve in government, despite their past actions.

While royal civil government formed in Savannah, the state government continued to seek the allegiance of back country settlers. It met in Augusta in early January 1780 and was active until late May. During this time the government determined that an oath be administered by a selected group of men to the inhabitants of Wilkes, Richmond and Burke counties to affirm their allegiance to the United States.⁸¹ These were the three most northwesterly counties, closest to the Indian land and sparsely settled. They were defended by rough stockades or block houses built by the settlers themselves to protect their families from Indian raids. A wilkes county settler noted:

[I]t was often the case that the Fort became a

⁷⁹Letters of James Wright, pp. 300-303.

⁸⁰Egerton, Royal Commission, p. 62.

⁸¹Candler, Revolutionary Records, vol. 2, pp. 204-205.

permanent home for the women and children, while the men spent their days in scouring the country, and tilling with their slaves, lands within convenient reach; at night betaking themselves to the stronghold for the society and protection of their families, as well as for their own safety.⁸²

The rebels hoped that these people would remain on the land.

Commander-in-chief Sir Henry Clinton also wanted people to find it easy to remain where they were in South Carolina. He offered a proclamation of amnesty in March 1780, as he gathered an invasion force outside Charleston. Rebels who surrendered to the British as prisoners of war and turned in their arms, would be allowed to return to their homes on parole upon the promise not again to take up arms against the crown.⁸³ When Governor James Wright received a copy of these conditions, he decided that Clinton's offer of amnesty was far too generous. It would encourage any and all rebels that had fled Georgia to return, claiming protection of the law. Unfortunately for Wright, Georgia was under Clinton's military jurisdiction ⁸⁴ and he could do nothing about the terms.

Wright remained concerned about the return of rebels to Georgia, especially because there was no strong military

⁸²Davis, Jr., Citizens and Soldiers, pp. 158-160.

⁸³Heard Robertson, "The Second British Occupation of Augusta, 1780-1781", Georgia Historical Quarterly 58 (1974), p. 425.

⁸⁴Furlong, Civilian-Military Conflict, p. 436.

force to control them. He informed Germain that:

all our most Violent Rebels . . . are Preparing to Return here, indeed Several are come already, and the Nest of Oliverians in St. John's Parish will . . . be here as Soon as their Crops are Reapt in S[outh] Carolina.⁸⁵

He sought help from his civil government.

The Assembly acknowledged that rebels were returning to Georgia and worked to formulate a legal response to their presence. At the meeting of the Assembly on May 31, 1780, the Commons House resolved that those rebels active in state government and the rebellion who might return to Georgia should not be pardoned nor allowed to enter Savannah nor come within 25 miles of it until the Assembly determined what actions to take.⁸⁶

They passed this delaying tactic on to the Governor, who brought it up in council on June 9. After citing the example of John Glen, rebel Chief Justice of Georgia, who had expressed his intention of sailing to Savannah, Governor Wright:

desired the Opinion of the Board what Conduct would be pursued by Him towards Mr. Glen, as it would be a precedent in such Cases, for as many as may come into this Province under the like Circumstances of having borne Offices under the Rebel Government, or otherwise favored it.⁸⁷

The Attorney General was asked to report his opinion,

⁸⁵Letters of James Wright, p. 311.

⁸⁶Candler, Colonial Records, p. 584.

⁸⁷Hawes, Minutes of Governor and Council, p. 106.

which he did on September 8. By this time John Houstoun, former state governor of Georgia, was expected in Savannah. After months of discussion it was determined that there was nothing to be done legally to prevent the return of rebels. The Assembly directed the Attorney General to take due notice of the arrival of such persons, and to proceed against them legally, if he could.⁸⁸

The case of John Houstoun illustrates the difficulty posed by the Clinton amnesty upon the royalists in Georgia. Despite the fact that Houstoun had not only been a state governor of Georgia and participated in attacking Savannah during the siege, he claimed that he had been induced to join the rebellion.⁸⁹ The hands of the Attorney General were tied: he determined that the King's pardon alone provided Houstoun with legal protection.⁹⁰

In the meantime, the Assembly struggled with the issue of treason. It was not able to agree upon attainting 112 prominent rebels for high treason and confiscating their property.⁹¹ Although the Assembly members had been elected before many rebels had returned to Georgia, it

⁸⁸Ibid., pp. 124-125.

⁸⁹Furlong, Civilian-Military Conflict, pp. 436-437.

⁹⁰Davis, Jr., Citizens and Soldiers, pp. 76-77.

⁹¹Coleman, American Revolution, p. 153; Candler, Colonial Records, pp. 586, 591, 593, 596, 600; n. "Beginning June 1, a bill proposing this action traveled from the Upper House to the Commons and back again but was never passed."

appears as though this Assembly could not agree on a treason bill. The distinction between loyalist and rebel was too blurred, perhaps, to be firmly determined by men who themselves might possibly be questioned for past actions should such a bill become law.

The Assembly did, however, pass the Disqualifying Act on July 1, which targeted many of the rebels named in the unpassed treason bill.⁸² The act named a total of 151 prominent rebels by name and occupation and included all civil or military office holders under state government. These people were rendered incapable of holding or exercising any office of trust, honor or profit in the Province of Georgia. Essentially, they could not be a part of the government but they could live on their property. They would have to prove to the governor and council that they were loyal subjects before the disqualifications could be removed.

In order to prove their loyalty, they had to give up all of their weapons to the nearest justice of the peace, or pay a fine of £25 sterling, and £10 if found with a weapon. Their houses could be searched for weapons, though upon application, they could receive permission to retain one. Those who had not proven themselves loyal since November 1, 1779, must go before a justice of the peace upon entering Georgia and provide a bond of £100 for twelve months of good

⁸²Coleman, American Revolution, p. 152.

behavior and take the oath of allegiance to King George and renounce allegiance to the state government. An additional option was to serve in the army as a private soldier for the rest of the war. A certificate would be given to all who did these things. If an individual did not cooperate, he could be put in jail for three months without bail. If, after spending the three months in jail, the individual still refused to cooperate in any way, he was to be impressed into the navy and denied the right to become a resident of Georgia.⁸³ This bill favored individuals who had resided in Georgia before or during the Siege of Savannah, allowing them to own weapons and go about their business. Those who came in after the Siege were the target group of the Act, for they had not proven their loyalty by defending Georgia.

The British returned to the back country once again in 1780. Loyalist troops under Colonel Thomas Brown and Colonel James Grierson took Augusta in early June. A number of rebel militia units surrendered and were discharged. They were allowed to return to their homes on parole provided they would not again fight against the British. Governor Wright declared that the King's Peace was now in effect in the back country.⁸⁴

The King's Peace did not last long, however. Colonel

⁸³Candler, Revolutionary Records, vol. 1, pp. 348-363.

⁸⁴Cashin, Augusta and the Revolution, pp. 42-43.

Elija Clark, from the Continental Army, roused rebels in the Ceded Lands and attacked Augusta in September. In retaliation, Brown's raiding parties destroyed nearly 100 plantations and settlements on the Ceded Lands belonging to those allegedly involved with the attack on Augusta.⁹⁵ Clark and his men fled and their wives and children were driven from their homes.⁹⁶ Lieutenant Governor Graham traveled to the area to enforce the Disqualifying Law.⁹⁷

The inhabitants of this area of Georgia had been pressured to change their allegiance before. Swearing allegiance to the king at the urging of Lieutenant Colonel Campbell in January of 1779, they were then prodded to resume allegiance to the state by rebel militia. Now, due to Brown's presence, having resumed their allegiance to the king or having been placed on parole by the British, these people were urged by Colonel Clarke to take up their arms for the rebel cause or die.⁹⁸ Lieutenant-Governor Graham could try to enforce allegiance to the king, but the backcountry inhabitants knew that royal power was limited and that the rebels would be back.

Wright was limited in how far he could go with threatened consequences if allegiance was not pledged. He

⁹⁵Coleman, American Revolution, p. 134.

⁹⁶Robertson, "The Second British Occupation", p. 436.

⁹⁷Letters of James Wright, p. 321.

⁹⁸Moultrie, Memoirs of Revolution, vol. 2, p. 235.

never succeeded in putting in place a tougher law. Wright reported to Lord Germain in late January of 1781:

The disqualifying Law we have found to answer many good purposes, but does not go far enough and I am so well convinc'd that we still have many thorough Rebels and Villainous Incendiaries amongst us even in the Town of Savannah that I have propos'd more effectual measures.⁹⁹

The bill he referred to, passed in April, attainted for high treason 24 persons named, and all others who held military or civil positions in the state government who had not yet conformed to the Disqualifying Act. They were to stand trial for treason on or before October 9, 1781, and their property would be forfeit.¹⁰⁰ There is no evidence that any part of this bill was put into practice. It never received the royal approval it needed to become law.¹⁰¹

Protection of the civilian population evaporated as the British and Continental troops moved farther away from Georgia and South Carolina.¹⁰² In a March letter to Lord Germain, Governor Wright described the assassination of eleven people in the Augusta area who as active and dependable loyalists had served in the capacity of magistrates and militia officers. He also noted that an attempt had been made to murder a Mr. Moore, major of the

⁹⁹Letters of James Wright, p. 333.

¹⁰⁰Candler, Revolutionary Records, vol. 1, pp. 364-372.

¹⁰¹Coleman, American Revolution, p. 153.

¹⁰²Letters of James Wright, p. 340.

Augusta militia regiment.¹⁰³ Moreover, depredations increased against rebel militiamen who had accepted British paroles.¹⁰⁴ Chief Justice Anthony Stokes noted with alarm that an express message from Charlestown, South Carolina had reached Savannah which named several individuals "whom the Americans intended to put to death, when they entered the town [of Savannah]; and amongst them was Mr. Stoke's. He must candidly own, that he never felt more uneasy in his whole life, than on that occasion".¹⁰⁵ Individual loyalists playing a role in government and rebels on parole were vulnerable to assassination.

The state Assembly tried to smooth out the difficulties of multiple allegiance among the settlers in the back country. They met in August 1781, and passed a bill of amnesty.¹⁰⁶ People who had taken a loyalty oath to the king could remain if they joined the army and had committed no crimes against the state. After army service they would be considered full citizens.¹⁰⁷ This leniency encouraged people to remain in Georgia and fight to protect their property. An act for the prevention of internal conspiracies followed, and was put into execution via county

¹⁰³Ibid., p. 335.

¹⁰⁴Robertson, "Second British Occupation", p. 428.

¹⁰⁵[Stokes], A Narrative of the Official Conduct, p. 90.

¹⁰⁶Candler, Revolutionary Records, vol. 2, p. 251.

¹⁰⁷Lambert, "Confiscation", pp. 80-94.

committees.¹⁰⁸ The executive council judged cases of loyalty brought before it by these committees or by individuals.¹⁰⁹ Families of loyalists within the British lines were ordered to join their men.¹¹⁰ A general sorting out of the population of the northwestern counties began to take place as firm loyalists fled the area and those more ambiguous renewed their ties with the state government.

Major General Nathaneal Greene wrote to Governor Martin urging him "to open a door for the disabled of your State to come in with particular exceptions. It is better to save than destroy, especially when we are obliged to expose good men to destroy bad."¹¹¹ He wanted amnesty to be given to as many as possible, perhaps hoping to keep decent settlers upon their land in Georgia, rather than driving them away. Martin agreed with Greene, but stated that the legislature would hesitate to grant amnesty to the royalists.

You cannot, sir, be sensible of the misery and distress they have been a means of bringing on this once flourishing but now distressed and unhappy country, nor can you possibly have an idea of the feelings of men in their situation; therefore they have great reason for their implacability. However, I am not out of hope, and still think that something important may yet be done in this business, on a future

¹⁰⁸Candler, Revolutionary Records, vol. 2, p. 255.

¹⁰⁹Ibid., pp. 257-258, 260-261.

¹¹⁰Coleman, American Revolution, p. 162

¹¹¹"Letters of John Martin", p. 336.

day.¹¹²

The state Assembly, at the urging of General Wayne, issued two proclamations on February 19 regarding absentees and active loyalists. The first was to open a door for the reception of citizens absent from the state. They were encouraged to return and reclaim their property. The second proclamation was intended to encourage desertion from the British forces.¹¹³ Governor Wright had the details by March 5th. Three announcements had been issued, one to the King's Troops, one to the Hessians, and another to the militia, inviting them all to join the rebel troops. Each man, excepting those included on the Bill of Attainder and those named in the proclamation itself, would receive 200 acres of land and a cow.¹¹⁴ The military was very interested in increasing the population of the state and diminishing the loyalist forces.

Governor Martin reported to the Continental Congress that deserters were coming out from Savannah regularly and that the troops within the town were much dissatisfied.¹¹⁵ The Hessian troops, responding to the proclamation issued in German by Governor Martin, steadily left. They were dissatisfied with the length of their

¹¹²Ibid., p. 292.

¹¹³Candler, Revolutionary Records, vol. 2, p. 320.

¹¹⁴Letters of James Wright, p. 374.

¹¹⁵"Letters of John Martin", p. 294.

service in Georgia and evidently encouraged to desert by the women of the German settlement at Ebenezer.¹¹⁶ Wright was angered by the desertions. He felt personally betrayed when Sir Patrick Houstoun and his brother William, and David Douglass, who had been a rebel but had taken the oath and been given a commission, fled to the rebels outside Savannah.¹¹⁷

The rebel army was troubled by desertions, as well. In the March 21, 1782 edition of the Royal Georgia Gazette, it was reported that three more deserters from Wayne's camp at Ebenezer had come in, telling of lack of provisions and forage. The deserters' lot within British lines was apparently easy, for the article stated that a deserter could sell his horse to the highest bidder rather than have it requisitioned by the British army. After obtaining the Commandant's certificate of coming into the British lines for protection, they would get public assistance, were not required to join a fighting unit, and were allowed to go where they wished. When desertion was reported to state Governor Martin, he ordered the deserters apprehended and military law enforced.¹¹⁸

While the rebel army occupied increasingly greater areas of Georgia under the leadership of General Wayne, many

¹¹⁶Coleman, American Revolution, p. 143.

¹¹⁷Letters of James Wright, pp. 372-374.

¹¹⁸"Letters of John Martin", p. 309.

loyalists fled to Savannah. A number of these refugees, running from the healthier western part of Georgia, died because of the "putrid air from the swamps, and bad water and provisions ".¹¹⁸ Wright did not blame the starving civilian loyalists for making "the best Terms they can."¹²⁰ Instead, he blamed the British government and the military for placing its loyal citizens in the position of going over to the enemy in order to eat. By early 1782, famine was a possibility for rebel and loyalist alike, for there had been little chance to plant and tend crops the year before. There was little food or forage to be had around Savannah. The British had destroyed the provisions and forage in the vicinity on the approach of Wayne's troops. They, in turn, destroyed the forage at Governor Wright's plantation at Yamacraw and at Hutchinson's Island.¹²¹

True to Governor Martin's prediction of implacability in regard to a generous amnesty, the state Assembly passed the Confiscation and Banishment Act on May 4, 1782. It declared 277 people guilty of treason, and they were banished from the state forever and their property confiscated. Others, accused of aiding and abetting treason, could receive the same punishment, if convicted in

¹¹⁸[Stokes], A Narrataive of the Official Conduct, p. 91.

¹²⁰Letters of James Wright, p. 367.

¹²¹"Letters of John Martin", pp. 293-294.

a court of law. The property of absent royalists was also subject to seizure. There was to be a board of thirteen commissioners to administer the act.¹²² Governor Martin, in writing to a friend that the act had been passed, stated:

I confess, my dear sir, in many respects the terms there held out are hard, but as Chief Magistrate of the State (who am sworn to preserve the laws inviolate) [I] am compelled to prevent an infringement of the same, if possible.¹²³

This act included the names of 61 individuals listed in the 1778 Act of Attainder. The additional 216 people named were presumably Georgians who had gone over to the British once they returned and set up civil government. The 56 names listed on the 1778 Act of Attainder but missing from the 1782 list were probably individuals now living outside North America with no property left in Georgia to confiscate, living in Georgia but too elderly or too poor to bother with, or dead.¹²⁴

Several examples can be found among those named in the Act that illustrate the category of Georgian who had at least initially supported the rebel/republican government and then had gone over to the British. James Butler, who had been born in South Carolina in 1738 and was among the most wealthy planters of Georgia, had temporized with the rebels and joined their Assembly in 1778. He then fought

¹²²Candler, Revolutionary Records, vol. 1, pp. 373-397.

¹²³"Letters of John Martin", p. 312.

¹²⁴Lambert, "Confiscation", pp. 80-94.

for the British under Campbell and supported civil government under Wright. He maneuvered as best he could for seven years, but in the end lost everything through banishment.¹²⁵ Basil Cowper, business partner with the Telfair brothers, was a member of the rebel Assembly until 1776. He fled to the West Indies, returned to Georgia and took the oath of abjuration and was placed on parole. Named in the Act of Attainder in 1778, he fled to South Carolina and returned with the British army. He was also banished.¹²⁶ Sir Patrick Houstoun, father of one time state governor John Houstoun, went over to the rebels only to return and ask Governor Wright to restore him to full royal citizenship in 1780.¹²⁷ Houstoun deserted to the rebel forces outside Savannah just a little over a year later, in late February 1782.¹²⁸ The apparent ease with which he transferred his loyalty did not put him in good standing with the state government, and his name was on the list of those banished from Georgia in 1782.

The state Assembly did not include the name of Royal Chief Justice Anthony Stokes on this list. In early June 1782, Stokes had been informed that he had been left off the Bill "because I had always been an enemy to them, and never

¹²⁵Egerton, Royal Commission, pp. 249-250.

¹²⁶Ibid., pp. 243-246.

¹²⁷Hawes, Some Papers of Governor and Council, p. 295.

¹²⁸Letters of James Wright, pp. 372-374.

acted as an ambidexter." In other words, the rebels admired his straightforward loyalty to the king and quite probably his judicial integrity while Chief Justice of Georgia. The day before he left Savannah, in July, he was informed "that my property was not confiscated - Howley (a man whom I had never seen, nor had the least correspondence or connection with) opposed it, and said, that, if there was an honest man among them (meaning the friends of Government) it was me."¹²⁸ Once Stokes was back in England, this exclusion from the list placed him in an awkward position; he was dismayed at the possibility of having his loyalty to the crown questioned. As a result of his concern, he withdrew the petition he had submitted to the Royal Commission of Loyalist Claims to be reimbursed money for his lost property in Georgia.

The news that Savannah would be evacuated of all British troops reached the population there on June 14, 1782, ending the British occupation of Georgia. It placed the loyalists who had fled to Savannah in the position of yet again having to choose their allegiance. While transportation to East Florida or the West Indies was provided for many of the loyalists, whig General Wayne granted protection to those opting to stay in Savannah. Anyone who wished to serve in the Georgia Continentals for two years or for the duration of the war would regain full

¹²⁸[Stokes], A Narrative of the Official Conduct, p. 106.

American citizenship.¹³⁰ Two hundred individuals joined by July 12.¹³¹ They were formed into a Corps under the pay of the Continentals and commanded by Major John Habersham.¹³² Wayne also permitted Savannah merchants to remain until their goods were sold.¹³³

The United States and Great Britain vied for the allegiance of Georgians through attempting to maintain civil government and military defense between 1778 and 1782. Initially confident of its abilities to enforce civil obedience, the state government eventually disintegrated and reformed at a later time. The British government was anxious to reestablish control over Georgia to provide an example to the other colonies that royal civil law was superior to rebel. When James Wright re-established his royal government he realized that he had to generously overlook the past of many citizens in order to rebuild civil authority. Although each government had a militia, neither had sufficient military support to rid Georgia of a traitorous population, nor could they effectively protect much of the resident population from plunderers, Indians and

¹³⁰Ira D. Gruber, "Britain's Southern Strategy", The Revolutionary War in the South: Power, Conflict, and Leadership, W. Robert Higgins, ed. (Durham: Duke University Press, 1979), pp. 268-269.

¹³¹Coleman, American Revolution, p. 144.

¹³²Hawes, Miscellaneous Papers of James Jackson, p. 79.

¹³³Moultrie, Memoirs of Revolution, vol. 2, pp. 339-340.

enemy militia. In fact, much of Georgia remained lawless. The inability of the rebels to hold together a government until late in the war, and Wright's mission to establish civil government in a war zone wrought changes on the use of oaths to bind the civil population to a political body. The governments became dependent upon the resident population for their survival, for without settlers to farm and join the militia, famine and anarchy would overcome all civil claim to Georgia held by either country.

Many citizens were able to retain their property during this time of changing governments and war by practicing a flexible allegiance to authority. Living in a sparsely populated frontier area beset by plunderers, many chose to align themselves with their property rather than with politics. At times this meant breaking an oath just taken to the king and pledging allegiance to the rebel cause or vice versa. At other times it meant paying a fine or going to jail or giving up weapons. Georgians responded to the needs of the moment in terms of how to best keep their families alive and their land and possessions safe and this response broke down the authority of the oath.

The Continental Army came to Georgia in early 1782 and offered, in conjunction with the revitalized state government, advantages to joining the rebel militia that were attractive to many settlers. The military gained the allegiance of enough Georgians by this means to expand their

hold over the back country and drive the British and loyalists down to Savannah. Had the British been able to offer the settlers as attractive a bargain as the rebels, perhaps they might have driven the rebels out of the back country. This effective military action by the Continental Army precipitated the evacuation of the British and gave complete control of Georgia to the rebels for the first time since 1778.

The allegiance they secured from the settlers was not of the ideological sort, but rather a temporary bargain, an agreement to point their guns and fire at the British and loyalists for a specified period of time in return for amnesty and land. The fact that the army and the government reached the point where the allegiance they required was so limited indicates their great need for the settlers. The oath of allegiance changed during the course of the Revolutionary War in Georgia from a political tool wielded by the government to a pliant tool of survival manipulated by the settlers.

IV. PLUNDERING

The practice of plundering which I am told has been too much indulged with you, is very destructive to the morals & manners of people; habits & dispositions founded on this practice soon grow obstinate & are difficult to restrain. Indeed it is the most direct way of undermining all **Government**, & never fails to bring the laws into contempt, for people will not stop at the barriers which were first intended to bound them after having tasted the sweets of possessing property by the easy modes of plunder. The preservation of morals and an encouragement to honest industry should be the first objects of **Government**; plundering is the destruction of both.¹

The citizens of Georgia were accustomed to having a representative form of government that protected private property. It was the first impulse of the whigs in 1775 to elect representatives and conform to the political structure of the Continental Congress. The royalists clung to their governmental forms as their power diminished in 1775, and obeyed the Secretary of State for America. Citizens did not give up their respective governments, when overpowered by opposing military forces. Rather, they saved their governments by allowing them to fade away. When the time was right, the government reappeared and re-established its authority by holding elections.

Owning property represented civic responsibility. One could vote for a representative or be elected as one, and support a family, if one owned enough land. Slaves were

¹"Letters of John Martin", pp. 336-337.

considered property, and over 15,000 were owned in 1773.² They were costly to purchase and maintain, and essential to the success of the large rice and indigo plantations along the coast. They were, along with land, the key to one's status in colonial Georgia. In addition, property consisted of livestock, crops, buildings, tools, homes and their furnishings, means of transportation, and personal items such as clothing, books, and jewelry as well as businesses. As Georgia slipped into chaos, civil government protected personal property as best it could.

The legal aspects of property transactions and property rights lacked the strength to survive in one piece during the turmoil of civil and revolutionary war. Although courts functioned between 1775 and 1782, they could do little to curb the outlaw behavior practiced by many in Georgia. Individual citizens and the militia retaliated, although not very successfully, against the irregular and the partisan bands loosely aligned with rebels or loyalists, and the unaligned bands of plunderers that roamed throughout Georgia, usually by taking the law into their own hands. However, neither citizens nor the civil government had any recourse when the military plundered or requisitioned property.

The military felt entitled to the enemy's property and viewed it as booty and as a resource with which to feed,

²Gallay, Formation of a Planter Elite, p. 100.

clothe, arm and transport its troops. Both the royal and rebel civil governments in Georgia felt entitled to the enemy's property as a means by which to raise needed cash to support the home militia units and run the government. Once British troops recaptured Georgia, civil government rather than martial law was instituted and this created bitter conflict between the military and civilian officials in regard to property. The rebel militia and the Continental army clashed with the rebel civil government and the civilian population over property, but were able to cooperate when they needed to. The citizens of Georgia all agreed that their property was not sufficiently protected by the military. Civil government could do little to prevent the military from utilizing property as they saw fit, for Georgia was a war zone.

The provincial, later state government of Georgia was left much to herself between 1775 and 1778, and her elected officials and appointed military leaders lacked the ability to cooperate with each other. Georgia's geographic position made it vulnerable to attack from the British colony of East Florida to the south, and from the Indian Territory to the west. Its coast line, with many rivers and inlets, invited smugglers and plunderers. Although its leaders comprehended the inherent vulnerability of Georgia's position, they were incapable of providing unified defensive or offensive action.

State leaders focused primarily upon destroying the East Florida colony, which not only offered a haven to their slaves and to loyalists, but sent irregular bands of cattle rustlers into Georgia to drive off stock. Between August 1776 and July 1778 three expeditions set out from Georgia in an attempt to destroy the British settlements there. Although all three failed, the second trip epitomizes the destructive jealousies indulged in by the civil and military leaders of the state. The rivalry between the governor, Button Gwinnett, and the Continental commander, Brigadier-General Lachlan McIntosh, for leadership interfered with the expedition. The Council of Safety requested that both return to Savannah. Colonel Samuel Elbert of the Continental Army took the field command, McIntosh and Gwinnett dueled and Gwinnett died.³ After Georgians sent petitions for his removal to the Continental Congress, McIntosh was transferred from the state.⁴ The conflict between civilian and military authority crippled any serious attempt at destroying the British in East Florida.

This failure did not put the state of Georgia in a positive light before the Continental Congress. Joseph Clay, Deputy Pay Master General of Georgia and South Carolina, was appalled by the way the state mounted three expeditions to East Florida with only the confiscated

³Coleman, American Revolution, p. 88.

⁴Ibid., p. 89.

estates as a means of financing them.⁵ He wrote to Edward Telfair, Continental Congress delegate, how glad he was not to be in Congress representing Georgia when the most recent Florida expedition and the circumstances relative to it were laid before it. "Expence and Discord may be our Motto." ⁶ These expeditions were costly failures and did nothing to enhance Georgia's position with the Continental Army.

General Robert Howe, commander of the southern military department, refused the request of the Georgia Assembly to undertake the third East Florida expedition. This action prompted John Houstoun, Governor of Georgia in 1778, to write to the Continental Congress for clarification regarding whether the military was subordinate to the state civil government or not. The Committee at Camp, to whom this question was referred by Congress, stated that although Continental commanders obeyed the laws of the state they were in, they had the final word in conducting military operations.⁷ Henry Laurens commented to Rawlins Lowndes, Governor of South Carolina, regarding this decision, "there appears to me an opening for disputes between the Executive of a State and the officer commanding the Troops in such

⁵Letters of Joseph Clay, pp. 37-38.

⁶Ibid., p. 37.

⁷Smith, Letters of Delegates to Congress, vol. 10, p. 9, n.

State."⁸ In the end, however, General Robert Howe was subordinate to the delegates of Georgia and South Carolina, for they successfully had him removed from command of the southern department.⁹

There also was conflict between authorities over who got the proceeds of prize vessels captured off the Georgia coast. On April 19, 1778, the HM schooner *Hinchinbrook*, sloop *Rebecca*, and a brig were captured off Fort Frederica by Continental battalions led by Colonel Samuel Elbert and three Georgia state galleys commanded by Commodore Oliver Bowen. John Wereat, the Continental prize agent in Georgia, declared that he should get the proceeds of the sale, whereas Elbert said that he should. Wereat petitioned the Marine Committee, which referred the complaint to the governor of Georgia, John Houstoun. The assistant justices of Liberty County, Georgia, declared that the schooner *Hinchinbrook* was United States property and ordered Wereat to pay \$10,000 to the captors.¹⁰

Georgia had been unable to subdue the British in East Florida and the depredations by the irregulars or banditti continued unabated. Joseph Clay wrote to Henry Laurens, "We are again very much infested with [Governor Patrick] Tonyn's

⁸Ibid., pp. 9-10.

⁹Ibid., p. 696.

¹⁰Ibid., p. 188, n. 1,2; pp. 382-383, n. 1.

Banditti Stealing our Horses and Negros and doing us all the Mischief they can." He explained that "all these Thieves claim the Privilege of being prisoners of War as Soldiers in the service of the king of Great Britain and some of them have Commissions." The settlers apparently ignored this fine point of law and killed them whenever possible.¹¹ Clay felt that the cattle the banditti stole from Georgia formed a crucial part of the food supply for East Florida.¹² These banditti, or loyalist irregulars, were not known to have received regular pay or to have worn uniforms while working for the British army. Some, such as Daniel McGirth, turned to general plundering activities once the British returned to Georgia.¹³

Savannah, not only the seat of the government but the headquarters of the military, experienced its share of conflict. In late September 1777, it was discovered that the militia and the Continental forces on duty in Savannah did not know each others' parole or countersign. Fearful that this might cause confusion, if not death, the Council asked General Lachlan McIntosh, not yet transferred, to come to them to discuss the matter, which he refused to do.¹⁴ By December the city of Savannah was edgy with civilians and

¹¹Letters of Joseph Clay, p. 106.

¹²Ibid., p. 50.

¹³Davis, Jr., Citizens and Soldiers, p. 175.

¹⁴Hawes, Minutes of Executive Council, p. 121.

military alike accusing each other of aggressive behavior. Colonel Elbert, McIntosh's replacement, established a curfew for the military at this time.¹⁵

Civilian and military authorities found that they had to cooperate in order to combat the terrorist incidents within Savannah. The Executive Council, with the support of the military, set up a patrol to police the movements of people leaving and entering Savannah, and out after nine at night. This was due to "the frequent robberies and other enormities committed in the Town of Savannah and the Environs thereof by persons in disguise who are suspected of being or acting in concert with the Florida Scout."¹⁶ Citizens and soldiers battled a fire in Savannah on Sunday, March 22, 1778 that threatened to destroy the town. Not only did the Governor and Council express their great thanks, but a quarter cask of rum and a barrel of beer was ordered given to the soldiers for their services in extinguishing the blaze.¹⁷ Joseph Clay wrote that a series of fires occurred in Savannah during the spring, "and what makes it very Alarming we have the greatest reason to suspect they have been done on purpose."¹⁸ The strain of

¹⁵Martha Condray Searcy, The Georgia-Florida Contest in the American Revolution, 1776-1778 (Univeristy of Alabama Press, 1985), pp. 120-121.

¹⁶Candler, Revolutionary Records, vol. 2, p. 41.

¹⁷Ibid., pp. 60-61.

¹⁸Letters of Joseph Clay, p. 70.

housing the Continental troops within Savannah was relieved when the barracks was completed and the soldiers moved there.¹⁹ The civilian and military leaders did not, however, create or maintain an effective collaboration for the defense of Georgia.

Lack of cooperation between the civil and military authorities in Savannah, including Continental Commander Howe, Governor John Houstoun and Colonel George Walton of the Georgia militia, resulted in the easy capture of Savannah by a British invasion force in late December 1778. Once the town was taken, many inhabitants ran away. Some took what possessions they could, including slaves, while others left everything behind. In a letter written in early January 1779, Continental General William Moultrie described the scene:

A late instance I have had before my eyes; the poor women and children, and negroes of Georgia, many thousands of whom I saw on my journey to this place [Purrysburgh, South Carolina], (a spectacle that even moved the heart of the soldiers) traveling to they knew not where.²⁰

Staunch rebel men fled to the upcountry, hoping to regroup, and left their wives and families to fend for themselves.

Henry Laurens had anticipated an invasion by the British for some time and was well aware of the riches Georgia offered an army. He compiled a list of plunder

¹⁹Candler, Revolutionary Records, vol. 2, p. 85.

²⁰Moultrie, Memoirs of American Revolution, vol. 1, p. 259.

while contemplating a campaign by Continental forces to regain it. He listed as available for the taking: 20,000 barrels of rice; 200,000 pounds of indigo; galleys and other navigation; between 1,500 and 3,000 horned cattle; enough Indian corn, peas and potatoes to feed the British troops and fleet for 2 or 3 months; sufficient naval supplies for the British fleet; wood and lumber.²¹ He also listed not less than 5,000 slaves as being plunder for the British. This estimate might have been based on the slave population of coastal rice plantations, knowledge that Laurens probably had due to his own land holdings in Georgia. These slaves, as well as much of the plunder, would be close to hand for the British in Savannah and easily transportable by water.

Georgians feared their slaves might flee to the British, be forcibly taken from them, or rounded up while in flight from British troops. In early January, Governor Wright, Lieutenant Governor John Graham, Chief Justice Anthony Stokes, and Josiah Tattnall were in London, where they heard that the invasion had been successful. They, along with several other late inhabitants of Georgia, presented a memorial to Lord George Germain "praying that their property, especially negroes, may not be damaged by British forces in Georgia."²² In July 1779, 6 months

²¹Smith, Letters of Delegates to Congress, vol. 11, pp. 494-495.

²²Davies, Documents of American Revolution, vol. 16, p. 10.

later, Governor Wright arrived in Georgia and found several thousand slaves in Savannah. He reported that a great number had been captured by the military or had come over to the British on their own and 140 had been brought in by Indians. Several men who acted as volunteer intelligence scouts were allowed to keep large numbers of slaves as plunder, which he deplored. Although Wright had anticipated that slaves might come into Georgia while he was still in London, he was now overwhelmed with the difficulties of people complaining to him that their slaves were gone and they wanted them back.²³ The complexities regarding rightful ownership of slaves never ceased to be a problem for Wright.

Georgia was essentially abandoned by the Continental Congress, which did nothing to counter the British invasion. A committee report of the Continental Congress stated that no forces could be detached for the defence of Georgia or South Carolina, and that the Confederal [Continental] battalions there were not adequate for the defense of those states.²⁴ The South Carolina militia was not active because the men had to remain at home to prevent their slaves from rebelling or deserting to the British.²⁵ Joseph Clay complained in March 1779:

²³Letters of James Wright, p. 256.

²⁴Smith, Letters of Delegates to Congress, vol. 12, p. 243.

²⁵Ibid.

If we had rec'd the least support in Georgia, the Enemy woud never have got the footing in it they have nor woud they have kept possession of it till this time, the people of this State do not seem to possess that Spirit of Enterprise and Patriotism I expected and of which they boasted.²⁶

Perhaps they were motivated, as the South Carolinians were, to protect their property rather than defend their state.

Several members of the Continental Congress worried that the British would arm the slaves, thus adding considerably to their fighting force.²⁷ With this thought in mind, and in need of a way to defend the south from this potential fighting force, the Continental Congress proposed raising 3,000 black soldiers out of the states of Georgia and South Carolina. The Congress would pay the owner \$1,000 for each slave and pay, feed and clothe them for the duration of the war. The slaves would then be emancipated. John Laurens, son of Henry Laurens, was appointed Lieutenant Colonel of the first black battalion from South Carolina.²⁸ Laurens found it difficult to raise the troops and received some words of wisdom from his father in late September:

And it is certainly a great task effectually to persuade Rich Men to part willingly with the very source of their wealth and, as they suppose, tranquility. You have encountered rooted habits and

²⁶Letters of Joseph Clay, p. 130.

²⁷Smith, ed., Letters of Delegates to Congress, vol. 11, p. 538; vol. 12, p. 9.

²⁸Ibid., pp. 278-279.

prejudices, than which there is not in the history of Man recited, a more arduous engagement.²⁹

Although slaves were used for pioneer or construction work by the British and their potential as an augmentation to the fighting force acknowledged,³⁰ they were never formed into fighting units. Despite a need for more troops, the slave-owning rebels were unwilling to part with their property.

The rebel forces plundered as they fled ahead of the British army. Lieutenant Colonel Archibald Campbell led a body of troops up to Augusta in early January. It was noted by one member of this group:

Most of the Settlements (along both the Roads) from Ebenezer to Augusta are in a ruinous, neglected State; two-thirds of them deserted, some of their Owners following The King's troops others with the Rebels, and both revengefully destroying the property of each other.³¹

At Abercorne, Campbell and his troops found "a very elegant Mansion built and furnished in the modern Taste, belonging to Mr. Martin, a Gentleman of considerable Fortune, and of great Respect in the Country."³² Although Mr. Martin had been killed while fighting against the British forces, Campbell reported that:

On our entering Mr. Martin's House I found that the Return those Rebels had made to this Gentleman for

²⁹Ibid., vol. 13, p. 522.

³⁰Davies, Documents of American Revolution, vol. 18, p. 211.

³¹Nunis, Jr., "March from Savannah", p. 286.

³²Campbell, Journal of An Expedition, p. 32.

having joined them was to plunder his Family of all their Effects, and to demolish the Furniture, Wainscotting, Paper Hangings, Looking Glasses, Doors and Windows etc. etc. to a Degree beyond what the most wanton Barbarians had perhaps ever attempted.³³

Farther north, at Zubly's Ferry, Campbell and his troops were able to retrieve 83 slaves belonging to loyalists from a body of Continental Troops taking them to Purrysburgh, South Carolina.³⁴

The British army also carried off slaves. As early as February 12, 1779, deserters coming into the rebel camp at Port Royal reported that "they have carried off above 300 negroes belonging to different people."³⁵ In the spring, General Prevost and his troops marched into South Carolina towards Charleston and made a slow return to Savannah via the rich low country along the coast.³⁶ Along the way they plundered indiscriminately. They carried off stock, household items and an estimated three thousand slaves, many of whom were used as military laborers.³⁷

Upon Governor Wright's return to Georgia in July, he and his council quickly agreed not to interfere with the slaves captured by the army, but to leave the matter to

³³Ibid., p. 33.

³⁴Ibid., pp. 33-34.

³⁵Moultrie, Memoirs of American Revolution, vol. 1, p. 313.

³⁶Coleman, American Revolution, p. 126.

³⁷Frey, Water from the Rock, pp. 91-92.

General Prevost.³⁸ The Commissioners of Claims under Wright reported that the greatest part of the slaves that had fled to or were brought into Georgia, as well as those belonging to rebels were now:

employed and embodied as Pioneers of the Army and in the public Works, besides a very considerable number taken possession of, by the Commissaries, Quarter Master General, their Deputies and other Military Departments as also many Officers and even Soldiers of the Army.³⁹

Campbell had set up a civilian Board of Police in Savannah to manage the abandoned estates of loyalists and rebels alike, with the idea that this valuable property would be protected from plundering and be utilized by the civilian government to generate money. General Augustin Prevost took over from Campbell on January 15, 1779 and did not support the efforts of the Board to stop what they viewed as plundering by the Commissary Department of the Army.⁴⁰ Unfortunately for the Board, General Prevost's brother, Lieutenant Colonel James Mark Prevost, was the Quarter Master General. He was appointed Lieutenant Governor pro tempore in early March 1779. Unlike Campbell, the Prevost brothers were not interested in cooperating with the civil government.

The Board of Police, and the Commissioners of Claims

³⁸Furlong, Civilian-Military Conflict, p. 435.

³⁹Letters of James Wright, p. 299.

⁴⁰Campbell, Journal of An Expedition, p. 40.

which replaced it, received numerous complaints and took depositions under oath from overseers of abandoned estates as well as inhabitants regarding plundering. One man, Benjamin Springer, was frequently mentioned. He had authority from General Augustin Prevost to gather provisions for the army, but gave no receipts for those items he took, as he was supposed to. In addition, "a number of loose disorderly People were employed by the Commissary to hunt up Cattle ."41 They drove off all cattle that came their way, regardless of who owned it, and were paid 5 shillings a head by the army. The Board claimed that Springer, his accomplices and the cattle rustlers carried great quantities of stock, provisions and slaves into East Florida and sold them. General Prevost responded to these accusations by stating that the complaints were malicious and tending to obstruct the army.42

The Commissioners of Claims continued to try to stop the plundering activities, but their authority was stripped from them by the military. They summarized their problems:

We were threatened with the denunciation of Martial Law if we persisted in the execution of our duty, which We were told would Obstruct and Counter Act the Operations of the Army, this was done by the Lieut. Governor himself signified by a letter said to be from the General and which was read to us by the Lieut. Governor in a very unusual manner. Allarmed at this menace We desired to know in what manner we were to act for if Jealousy had taken place before we had even

41Letters of James Wright, p. 292.

42Ibid., pp. 291-293.

began upon any effectual business, We apprehended it would not be in our power to do justice to the appointment, to this we were answered that with respect to the Property to the King's Loyal Subjects, Absentees from the Province, there would be no interruption to our Acting, but as to Rebell Property it was thought it could not be better taken care of than by the Army who had the best right to it.⁴³

The commissioners reported that their lack of authority and the attitude of the military created an environment of devastation and immense waste in Georgia. Great numbers of plunderers felt free "to enter Houses and Plantations at their discretion, to live at free quarter wherever they pleased and carry off Negroes, Cattle, Horses and Property of all kinds under the Idea that all was free Plunder."⁴⁴

The Board of Police initiated an inventory of the abandoned estates under their authority soon after they were established in January 1779. A report for the plantations between the Savannah and the Ogeechee Rivers, an area about 20 miles wide, was submitted sometime between January and March. It listed what remained on the abandoned plantations in this area: 925 slaves; 1,337 head of stock of all kinds; 1,178 barrels of clean rice, 14,489 bushels of rough rice and 105 stacks of rice in straw; and 5,730 bushels of corn and potatoes.⁴⁵

Within Savannah, a contest of authority took place

⁴³Ibid., pp. 295-296.

⁴⁴Ibid., p. 296.

⁴⁵Ibid., p. 293.

between the military establishment and the civil government regarding housing. Hoping to rent rebel property in order to raise money to run the government, the Commissioners of Claims took an inventory of houses not already in possession of the army. Governor Wright reported :

[Y]et such has been the Spirit of Jealousy amongst some of the Military against the civil establishment and such has been the Repacity for Plunder that we plainly foresaw, few or none of the many Houses in Savannah could be rented out by us, without coming to an open Rupture with the Army an Event we have ever most studiously endeavoured to avoid.⁴⁸

Chief Justice Anthony Stokes was determined to uphold the right of the civil government to claim and allocate housing in Savannah. In late November 1779, he set in motion legal action to prevent the army from requisitioning the house used by the civil court. He first wrote to General Alexander Leslie, in whose name the house was requisitioned, and explained that the house belonged to a loyalist, William Telfair, was rented to a loyalist, Martin Jollie, and part of the house served as the venue for the civil court. There was no reply. The next day, however, the Barracks Master, a Captain Thomas, arrived at the house and insisted that Mr. Jollie move out. Three days later, on November 26, Stokes took an affidavit from Jollie in which the incidents of the past few days were recounted.

Despite the availability of suitable accommodations elsewhere in town, and Jollie's offer of half of the

⁴⁸Ibid., p. 298.

dwelling to Leslie, the General insisted that "by God! he would have the house."⁴⁷ Armed soldiers were sent to take possession, and while Jollie was absent during the following afternoon, General Leslie moved in. When Jollie returned with friends, having been informed of the action by a servant, "he found almost the whole of his furniture and effects removed from and lying in the streets"⁴⁸ and armed soldiers around and about his house. General Leslie admitted that he had ordered the furniture removed and was indifferent to any legal protest Jollie might lodge.

Anthony Stokes, determined to support civil government, issued a warrant against General Leslie on November 25. The General appeared before Stokes, who pointed out the impropriety of his conduct and asked him to give bail. The General refused and threatened to take action against Stokes in England, to which the chief justice answered, "that if the General wanted any papers that Mr. Stokes had, in order to support his complaint, Mr. Stokes would order him copies of them."⁴⁹ At this point General Leslie said he would go to see "someone" and Stokes requested him to return when done. When he had not returned after about three hours nor sent any message, Stokes made out a commitment and gave it to the Marshall to execute against Leslie. Before this

⁴⁷[Stokes], A Narrative of the Official Conduct, p. 63.

⁴⁸Ibid., p. 64.

⁴⁹Ibid., p. 66.

could be done, however, the General and Mr. Jollie reached an agreement and Stokes cancelled the legal proceedings. It was decided that the blame rested on Captain Thomas, the Barracks Master, who confused loyalist William Telfair with his rebel brother Edward. Although the General did take Jollie's house, he had acknowledged the authority of civil law as practiced under the brave and determined guidance of Chief Justice Stokes.⁵⁰

By the summer of 1779 the British, with 1,000 troops, controlled Savannah and an area from between 25 and 40 miles around it while the rebels controlled the back country and part of the lower coast. Both raided into the other's territory and the no-man's land between the two was devastated.⁵¹ When the French and American combined forces besieged Savannah in the fall, this area of devastation grew to encircle the town. The Commissioners stated that the:

Siege of Savannah and the Enemy being so long in possession of every thing without our Lines, amongst many other ruinous consequences very materially affected that property which was the object of our Commission a great part of it haveing been carried off, at that time, by the enemy and since by the dayly incursions of plundering parties of the Rebels whose Rage and Mallice is become so great as to commit the most wicked and wanton depredations, almost within sight of the Lines.⁵²

⁵⁰Ibid., pp. 57-67.

⁵¹Coleman, American Revolution, p. 126.

⁵²Letters of James Wright, p. 299.

The plundering was widespread along the coast and affected loyalist and whig alike. Joseph Clay, participating in the Siege of Savannah, wrote to his South Carolina friend John Lewis Gervais that:

but amidst all our hoped for Success, this Country exhibits a scene of the greatest Distress from the rapacity and I may say Barbarity of her Professed friends and Citizens but in reality greatest Enemies those Who inhabit our Sea Coasts Friend or Foes I may say without any Exception have been plundered of every kind of Property in some instances even the Cloaths on their backs [,] this has been perpetrated principally by People who came around in Boats and small Vessels from your State.⁵³

He went on to note that French seamen and soldiers, led by the example of rebels, participated in the plundering.⁵⁴

The back country was disrupted by plundering as well. Joseph Clay continued to Gervais, "the interior parts of our Country have been equally Distressed, property of every kind has been taken from its Inhabitants, their Negros, Horses and Cattle drove and carried away principally into your State."⁵⁵ The Continental commanders did not pay much attention to Georgia until 1781 and as a result the rebel militia in Georgia operated primarily upon the personal inclination of the men and their leaders.⁵⁶ They took and destroyed private property. General Lincoln of the

⁵³Letters of Joseph Clay, p. 146.

⁵⁴Ibid., pp. 146-147.

⁵⁵Ibid., p. 147.

⁵⁶Coleman, American Revolution, p. 133.

Continental Army had devised a method of disposing of prizes taken by the military and this method was recommended by the Executive Council to Colonel John Dooly and his militia. Any prize taken would be shared by the entire detachment, provided that a ten day waiting period was observed. During this time any items thought to possibly belong to someone other than whom they were taken from would be advertised in the Main Camp. If they should belong to a friend of the state then this friend could retrieve their property upon paying one sixth part of the value thereof.⁵⁷ At least some sort of acknowledgement was being made by the army of the fact that private property still existed.

However, in a letter to Governor Rutledge of South Carolina in April 1779, General William Moultrie questioned the effect Rutledge's orders to General Williamson earlier in the month to make incursions into Georgia might have on the resident population:

The parties making such incursions, are to destroy all the cattle, horses, provisions, and carriages they meet with in Georgia. This is contradictory to the idea held up to those unhappy ones who could not possibly get off with their little property in[to] this camp, which was, that they should remain quiet at home until we should be able to cross the river and give them protection: what must become of the poor widows, orphans, and helpless old men?⁵⁸

It appears very few people were exempt from plundering and terror, either from marauders, or the soldiers of either

⁵⁷Candler, Revolutionary Records, vol. 2, p. 139.

⁵⁸Moultrie, Memoirs of American Revolution, vol. 1, p. 368.

armies.

After the siege, the town of Savannah was in bad shape. Major Prevost appropriated all the rebel houses in the town for use as winter quarters for the army.⁵⁹ The army thought this was necessary because the barracks that had earlier provided housing for 1,000 troops had been deliberately dismantled by the army to form a defense work while under siege.⁶⁰ As has been noted above, Chief Justice Anthony Stokes took legal action to prevent Martin Jollie's house from being appropriated. The Council passed along to Major Prevost a list of grievances presented to them by the Grand Jurors of the Province in late December. It was hoped that he would remedy these complaints. In addition to the ruinous condition of the chimneys, the offal in the streets, and the practice of burying human corpses in locations other than the cemetery, the jurors complained of armed slaves roaming about committing robberies; "and we recommend that those employed upon public Service should wear some Badge or mark of Distinction whereby they may be known." The council took it upon themselves to try to solve the problem of providing a house of confinement and correction for the slaves.⁶¹ The Assembly noted that "this Province is so much Impoverished by the Devastations

⁵⁹Hawes, Minutes of Governor and Council, p. 70.

⁶⁰Davies, Documents of American Revolution, vol. 18, p. 245.

⁶¹Hawes, Minutes of Governor and Council, pp. 74-75.

Committed by the French and Rebels during the late Siege and also by the Constant Incursions of Plundering partys," that there was no money to run the government.⁶²

Governor Wright blamed the military for "all the Losses, Distresses and Deplorable Situation this Province is at Present in."⁶³ The rebel raids on property, including his own, he felt were retaliatory, a direct result of the plundering expedition General Prevost had led into South Carolina during the spring of 1779. The plans for raising revenue for the government through the management of the refugee slaves and deserted property had been thwarted "by the Conduct of the Army, Invasion, and Siege."⁶⁴ He could get no assistance from the military to stop the property damage.

With only 500 troops at Savannah and 240 in Augusta, the approximately 140 miles between the two military posts were unprotected from unaligned and rebel raiders on horseback. A man named McKay led a band of between 12 and 20 "with which he Robs on the Highway between this and Augusta and goes Frequently to the Banks of Savannah River and has Stop't Robbed and Plundered Several Boats." Another Band of over 20, led by former loyalist Daniel McGirth, stole over 1,000 head of cattle and drove them to East

⁶²Letters of James Wright, p. 339.

⁶³Ibid., p. 282.

⁶⁴Ibid.

Florida:

this they do at Noon day, and the Poor Inhabitants Can't help themselves or Prevent it and the Civil Power cannot come at them, for what can the Provost Marshall and a few Constables do against upwards of Twenty Horse men well Mounted and Armed.⁶⁵

McGirth, formerly employed by the British, was clearly now unaligned and availing himself of every opportunity to plunder. Civil authority needed the backing of the military to bring some order out of this chaos, and it got none.

Chaos bred confusion among the militia, as well. Colonel James Jackson of the Georgia rebel militia related an incident of mistaken identity that gave a Lieutenant Hawkins the advantage over three noted loyalists. Hawkins was ordered to follow the loyalists by General Elbert as they headed for the British camp near Augusta. The three loyalists discovered him:

so near as to preclude a possibility of escape. Hawkins therefore resolutely advanced and demanded who they were. They answered him they were going to join Col. Daniel McGirt the famous plundering partizan in British pay.⁶⁶

Hawkins was wearing an old British uniform coat, and " told them he believed they lied, that they were Rebels, that his party was near and he would put them to death, that he was McGirt himself."⁶⁷ When they swore their loyalty to the British cause, he told them "to ground their rifles and hold

⁶⁵Ibid., p. 315.

⁶⁶Hawes, "Papers of James Jackson", p. 63.

⁶⁷Ibid., pp. 63-64.

up their hands, the Presbyterian mode of attesting and swearing to it."⁶⁸ They obeyed, and he took them prisoner and marched them back to General Elbert. "This officer from this and other actions of a similar nature was afterwards called Mad Hawkins."⁶⁹

Georgia was extremely vulnerable to raiding parties of all kinds, including Indian parties from the west, rebel parties from the northwest, and irregulars and unaligned marauders from the seacoast, East Florida and the Indian Territory. The Ceded Lands and the upper part of St. Paul's Parish, (or Wilkes County and the upper part of Richmond County as the rebels called the area), were generally under rebel control. They, as well as the Parishes below them, St. George (Burke County), St. Matthew (Effingham County), Christ Church (Chatham County), St. Philip, St. John and St. Andrew (Liberty County) all bordered Creek Indian territory. St. John, St. Andrew, St. David and St. Patrick (Glynn County), St. Thomas and St. Mary (Camden County) were in close proximity to East Florida. All of Georgia but the Ceded Lands, St. Pauls and St. George's Parishes had a seacoast, and these had numerous rivers, including the Savannah, Little, and Ogeechee. Plunderers were active throughout the land and along the seacoast and the rivers.

While fighting the campaign for Charleston, South

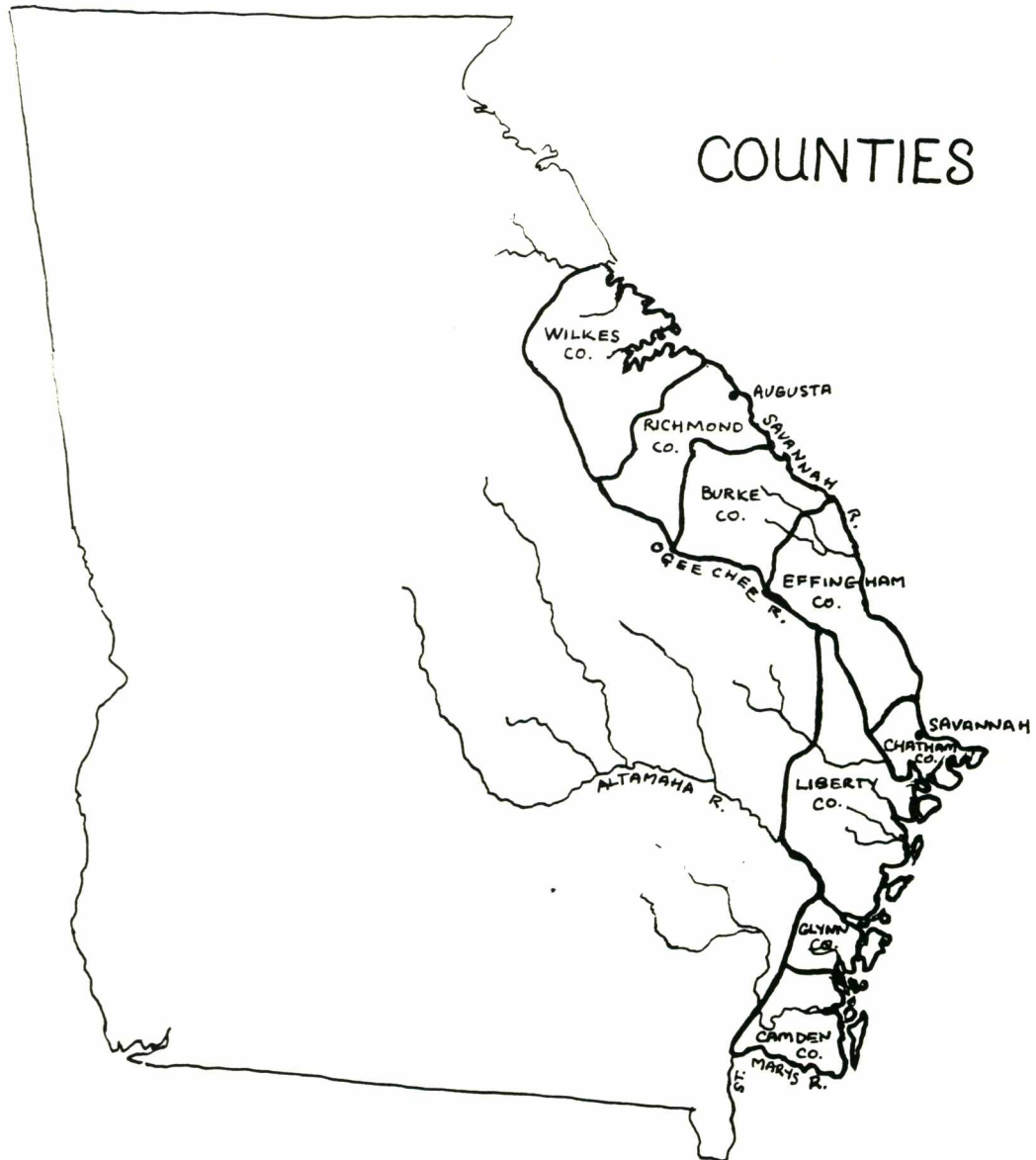
⁶⁸Ibid., p. 64.

⁶⁹Ibid.



Mad Hawkins declared he was McGirt himself

COUNTIES



Carolina, Clinton took many of the British soldiers from Georgia and East Florida, and General Lincoln took Continental troops to help defend the town. The British captured Lincoln's entire army when Charleston surrendered on May 12, 1780. That same month the loyalist militia under Colonels Thomas Brown and James Grierson took possession of Augusta. Between 1780-1781 the Carolinas became the area of fighting in the south and Continental and British troops were not sent back to Georgia.⁷⁰ This lack of strong military presence created a void filled by guerilla warfare, particularly in the back country around Augusta.⁷¹

Governor Wright received petitions from settlers in the back country requesting aid. Nineteen inhabitants of Queensborough and the nearby Ogeechee River, in St. George Parish, wrote in March 1780 describing how they were unable to protect themselves from the Creek Indians because of fear of offending the "other Partie" (rebels). Nor could they move their families away because "all our Horses are Carrued [sic] off Either By Sculking People from Below or Plundering Parties from above." They asked Wright to influence the Creeks to cease attacking them and to send a small supply of ammunition. They requested that he view them " A Neutral

⁷⁰Coleman, American Revolution, pp. 130-131.

⁷¹Kenneth Coleman, "Restored Colonial Georgia 1779-1782", Georgia Historical Society 40 (March 1956), p. 12.

People, and Sir Order to your Scouting Parties Not to Molest us or our Remaining fiew Horses that yet remain amongst us."⁷² One wonders if they sent off a similar petition to whig militia leaders in the area, hoping for assistance from any source simply in order to survive.

The petitioners from the upper part of St. Philip's Parish, possibly living along the Ogeechee River, requested that three magistrates be appointed to their area in March 1781. Without additional civil authority, "The inhabitants sufers grately by Reason these parts is Cheafly settled with ill Desposed persons that Dont want Law nor Civell government to take place." The three men they named to fill the positions were fully qualified and "would ad much to the peace and satesfaction of all well Desposed persons in these parts."⁷³ The twelve individuals who signed the petition had faith that the presence of augmented governmental authority in their district would provide them with more security than they had been experiencing.

Another group from St. George's Parish wrote to the Governor in August 1781. Of the seven who signed the petition, one was a justice of the peace and five were either Lieutenants or Captains, probably in the militia. They wanted their superior officer, Colonel Lyle, reinstated and they wanted new clothing to be issued to men in the

⁷²Davis, Jr., Citizens and Soldiers, p. 75.

⁷³Ibid., p. 71.

militia. Their first item of business, however, was to describe how Daniel McGirth, "with many others (some of whom have even left our stations here)", was stealing rebel and loyalist cattle from the upper settlements. The cost of initiating legal action against these men in the form of depositions and prosecution was more than any of them could afford at this time. They asked Wright to pay the expenses of those who wished to appear "before Magistrates in publick Courts or bound by solemn obligations."⁷⁴ These men were interested in bringing plunderers to justice through means of the court system.

Merchants in Savannah petitioned the Governor in December 1780 regarding greater protection for their "trade and Property" in the form of armed boats. Ships coming in and going out of Georgia had been captured by galleys manned by Frenchmen and rebels and their cargoes stolen. In addition, plantations on the Sea Islands had been plundered. The petitioners offered to assist in paying for an armed vessel, but requested that the Governor bring up this situation in the Assembly, as well as write to the Commander at Charlestown, Sir Henry Clinton, and Admiral Arbuthnot. Among the 31 signing were William Telfair and Peter Dean.⁷⁵ These individuals were interested in defensive action, not legal action.

⁷⁴Ibid., pp. 72-73.

⁷⁵Ibid., pp. 70-71.

As the rebels began to increase their hold on more of Georgia's territory, loyalists were pressured to move closer to the protection of the British army in Savannah by increased military and plundering activities. During this time of growing anxiety, Wright received a lengthy petition in September 1781 detailing the activities over a two year period of McGirth and his gang. The two petitioners represented the inhabitants of St. Philip, St. John and St. Andrew Parishes; these bordered the Indian Land and the seacoast and in addition had the Ogeechee and Altamaha Rivers as geographic liabilities. They wrote to the governor that civil authority was helpless against McGirth's gang: "they now go about disguised in the night time, breaking into Houses, beating, abusing, shooting at the Inhabitants, and Plundering them in many Cases of their all."⁷⁶ They threatened the lives of magistrates and constables and tried to prevent the militia from forming: "Several attempts being made by them to ride over the men in the Ranks - - others were severely beat in the Presence of both Militia Officers and the Civil Majistrate." ⁷⁷ Not only were inhabitants trying to get out, those drafted into the local militia probably would not march, as they feared leaving their families alone. They reported that McGirth had armed groups of slaves working for him as plunderers.

⁷⁶Ibid., p. 177.

⁷⁷Ibid.

People were intimidated by his claim that he was commissioned by the British Army, and fearful to testify against him, "their safety Purchs'd only by their Silence."⁷⁸ Most recently, the memorialists reported that McGirth and his gang had destroyed fields of corn and driven approximately 300 head of cattle from the back country. Many of these cattle were owned by loyalists now seeking protection within the British lines, and fearful of claiming them. They ended their testimony with the statement that unless speedy steps were taken to stop McGirth, militia officers and civil magistrates would be forced to resign and:

the whole district reduc'd to anarchy and confusion and the Honest and well disposed in General, must either quit that Part of the Country or be strip'd of the little which they have hitherto found means to Preserved [sic]."⁷⁹

Others in Georgia were viewed as plunderers, murderers and irregulars besides McGirth. Captain Sam Moore of St. George Parish (Burke County) was labeled a loyalist irregular by rebel governor John Martin. James McGirth was listed as a member of brother Daniel's gang.⁸⁰ Thomas Brown and James Grierson were loyalist militia leaders acting without orders from a superior for periods of time as did rebel militia leaders Elijah Clarke, John Twiggs,

⁷⁸Ibid., p. 178.

⁷⁹Ibid.

⁸⁰Ibid.

Benjamin and William Few, James Jackson and John Dooly.⁸¹ Rebels Patrick Carr, George Dooly, Josiah Dunn and Samuel Alexander were labeled plunderers and murderers by many.⁸²

There was no money to pay the militia, the seacoast was left unprotected from raids, no troop of horse was established to combat the plunderers on horseback, and no reinforcements sent to Savannah. Wright complained that "all my applications hitherto [have been] taken very little Notice of and this Province too much weakened and left almost destitute."⁸³ The military did not respond.

Between the spring of 1780 and 1781 numerous assassinations of rebel and loyalist militia were reported. Governor Wright stated "upward of an hundred good men in the space of one month fell victims to their loyalty and the cruelty of the rebels."⁸⁴ Rebel militia men placed on parole and thus without weapons were easy targets for marauders of any persuasion.⁸⁵ Loyalists in the Little River area were assassinated and the town of Wrightsborough raided and pillaged. Major Moore of the loyalist militia was shot at his home near Augusta.⁸⁶ Colonel James

⁸¹Coleman, American Revolution, p. 133.

⁸²Davis, Jr., Citizens and Soldiers, p. 176.

⁸³Letters of James Wright, p. 327.

⁸⁴Davies, Documents of American Revolution, vol. 21, p. 117.

⁸⁵Robertson, "Second British Occupation", p. 428.

⁸⁶Ibid., p. 438.

Jackson of the rebel militia wrote that "the most horrid crimes were practiced by Brown and Grierson on the families of those who had remained firm to the American cause."⁸⁷ They were robbed of their property and ordered out of Georgia. When the rebels retook Augusta in June 1781, Colonel Grierson was placed on parole and immediately assassinated. Jackson supposed that a Captain Alexander shot him, in retaliation for the imprisonment of his 80 year old father.⁸⁸ Later, Colonel Moultrie was to remark about Georgia: "That country had been entirely laid waste by the desolations of war: the rage between Whig and Tory ran so high, that what was called a Georgia parole, and to be shot down, were synonymous."⁸⁹ In January 1782, Continental Commander General Nathanael Greene sent General Anthony Wayne to take command of Georgia. The attention now given to the state's strategic importance by the Continental army required cooperation from her rebel militia. Prior to this there had been little if any attention paid to Georgia, and the state military and civil structure had been too factionalized to function effectively. Lieutenant Colonel John Martin was elected governor of Georgia in 1782 and he succeeded in gaining the cooperative support of the rebel militia to assist Wayne.

⁸⁷Hawes, "Papers of James Jackson", pt. 1, p. 73.

⁸⁸Ibid.

⁸⁹Moultrie, Memoirs of American Revolution, vol. 2, p. 336.

His job was not easy, for he had to consider the near-famine conditions the people endured, and the trepidation potential militiamen felt at leaving their families and farms unprotected and open to the violence of plunderers. Martin had to be persuasive at recruiting, he had to be timely in his delivery of troops to Wayne, and he had to see that the requisitioning of produce, forage and horses by the Army was done in a businesslike manner. Martin ordered out half of the militia of the state, approximately 300 men, to augment the Continental forces, and did his best to provide them with food and horses.⁸⁰

Martin also had to try to meet the needs of frontier communities beset by raids from "Indians or others," no doubt unaligned plunderers. A group of 23 men wrote to the governor from Burke County, on the Ogeechee and Rocky Comfort Rivers, in early March 1782 asking for militia, scouts and spies to assist them in remaining on their land. If they could not get assistance, they would have to move closer to the Savannah River. The result of moving, the men explained, would be twofold. One, they could no longer feed and house themselves on their own farms. Two, since their farms lay on the frontier border, if they moved the frontier border would move closer to more settled areas.⁸¹

In addition to gaining the cooperation of the militia,

⁸⁰Coleman, American Revolution, p. 142.

⁸¹Davis, Jr., Citizens and Soldiers, p. 64.

Martin also succeeded in gaining the compliance of citizens, among them loyalists by offering them rewards in the form of property and easy amnesty.⁸² In essence he offered the citizens of Georgia booty to support the army and civil government long enough to end the British occupation of the state. He had a clear idea of what the citizens wanted, offered it to them in a straightforward way and they took it.

General Greene wrote to Governor Martin in early January 1782, as Wayne was about to set out for Georgia, and gave him some advice regarding amnesty. He suggested that Martin make it easy for loyalists to join the rebel side: "It is always dangerous to push people to a state of desperation."⁸³ Greene was suggesting to Martin that he be lenient in order to prevent further depredations and more quickly settle the countryside under civil authority. Martin concurred.

Governor Martin was concerned about the effect the irregular rebel troops would have on Brigadier General Wayne's attitude toward the state militia. On March 14, 1782, he wrote to Wayne apologizing for having sent the volunteer or irregular corps of McKay and Carr to him when he first entered Georgia. But with so little militia in the field the governor had no alternative. "I have since

⁸²Cashin, "But Brothers", p. 271.

⁸³"Letters of John Martin", p. 336.

reduced them . . . and have only retained a few under proper restrictions as a scout during the present alarm on the frontiers of Burke and Effingham Counties."⁹⁴ He then offered, in a placating way, to send Wayne's troops a supply of tobacco, "as nothing contributes more to health in this climate than that plant."⁹⁵ State militia Colonel Elijah Clarke, himself raiding independently in Georgia until the advent of Continental troops, requested that Carr and his men join him. Martin explained to General Wayne that:

as a Volunteer Corps they are broke, and now go under the denomination of mounted militia. I have done my utmost to endeavour to get them properly organized, but all to no purpose. It is morally impossible to get them to do duty on foot."⁹⁶

He suggested that, with these men subject to Wayne's orders, he might consider using them to reconnoiter the enemy, or perhaps to send them out on an expedition to collect the large number of slaves, horses, cattle, etc. accumulated by McGirth and his gang.⁹⁷ Experienced plunderers would know where to look and as long as there was supervision by the Army, chances were good that the property could be retrieved.

The Continental and militia forces pushed to Savannah and the British Army gave it up. A general order was issued

⁹⁴Ibid., p. 298.

⁹⁵Ibid., p. 299.

⁹⁶Ibid., p. 302.

⁹⁷Ibid.

by Wayne on July 10, 1782 alerting the Continental troops and Georgia militia that the town would soon be evacuated of British troops and those loyalist citizens wishing to leave.

The Troops will take care to be provided with a clean shift of linen and to make themselves as respectable as possible for the occasion. The Officers are particularly called on to attend to this order and see it executed in their respective Corps. No followers of the Army are to be permitted to enter the Town until the Main body has marched in.⁹⁸

Lieutenant Colonel James Jackson accepted the keys of the gates of Savannah from a committee of British officers.⁹⁹

He was:

to enter at the Western Gate taking possession thereof and keeping a patrol in town to apprehend stragglers who may steal in with the hopes of plunder. Marauders may assure themselves of the most severe and exemplary punishment."¹⁰⁰

State forces wanted to make a good impression and maintain order.

They had their work cut out for them, for the scene was chaotic with individuals attempting to take their property with them upon evacuation while others attempted to prevent their property from being taken from the state. This was particularly problematic with slaves, well over 3,500 of whom left Savannah at the time of the evacuation.¹⁰¹

Blacks serving the British troops were considered loyalists

⁹⁸Hawes, "Papers of James Jackson", p. 60.

⁹⁹Ibid., p. 78.

¹⁰⁰Ibid., p. 60.

¹⁰¹Coleman, American Revolution, p. 145.

entitled to be evacuated, and those promised their freedom by the army were supposed to be freed.¹⁰²

Another problem was East Florida. It was viewed as dangerous by state military and civil officials, for it was now filled with "refugees all instigated by a Spirit of revenge, and a wish to repair their broken fortunes."¹⁰³ The option to invade East Florida before East Florida invaded Georgia was given to General Nathanael Greene, but he chose not to mount an expedition.¹⁰⁴ The border between Georgia and East Florida continued to be a dangerous zone filled with raiding parties. Royal Governor Patrick Tonyn of East Florida complained that "There is a considerable influx of transient people from Georgia and Carolina to recover their property in Negroes." He and Governor Martin worked together to put a stop to the plundering by determining that the St Marys River would be the boundary line that no plundering parties would pass.¹⁰⁵

Marauding bands continued to plague Georgia along the Indian Territory, and the governor drew on the expertise of rebel raiders to eliminate them. In a letter to Captain

¹⁰²Ibid., p. 146.

¹⁰³Smith, Letters of Delegates to Congress, pp. 142-143.

¹⁰⁴Davies, Documents of American Revolution, vol. 21, p. 168.

¹⁰⁵"Letters of John Martin", pp. 328-329.

Patrick Carr, of Carr's Legion, Governor Martin was sorry to report that:

our roads have been of late so much infested by that fellow Moore and his gang. However, I hope you'll soon be able to clear the country of those scoundrels. If you find any women that harbour those fellows, I would be glad you'd have them sent to Savannah, where they shall be taken care of.¹⁰⁶

Carr worried that Burke County was being abandoned by its settlers along the Ogeechee River for fear of plunderers and Indians.¹⁰⁷ He suggested forming a regiment of ex-loyalists, large numbers of whom were coming in from the Indian Territory, and using them to protect the settlers along the Ogeechee River. He further stated that there was a "vast property belonging to those two States" (Georgia and South Carolina) held in the Indian Territory by traders and "They keep continually sending Negroes to West Florida."¹⁰⁸ He suggested that Governor Martin ask the Spanish in West Florida to stop this traffic. If this was done, the slaves would remain in the Indian Territory until Carr could get them out.¹⁰⁹ In order to put land back into production, especially in the low coastal area, a labor supply of slaves was badly needed and now not easily obtained. If what Carr said was true, untold hundreds of

¹⁰⁶Ibid., p. 323.

¹⁰⁷ "Letters of Patrick Carr", p. 338.

¹⁰⁸Ibid., p. 339.

¹⁰⁹Ibid.

slaves were hidden in the vast territory surrounding the state, while Georgians bemoaned the lack of a sufficient labor force.

The only way any of Georgia's citizens succeeded in retaining property was by staying on their land and guarding it as best they could or bringing as much of their portable property as they were able to carry with them and resettling in a safer location. They guarded their property against plundering and they supported the local civil authority. Many were reluctant militiamen, preferring to remain on their land to protect their families, raise food and retain possession of their homestead. Their faith lay in civil government, not in the military, which had failed to protect them. More than anything they relied upon the court system to uphold their legal rights as property holders.

Civil government did what it could to support the legal ownership of property throughout the chaos of war and near anarchy and into the time of peace. One government at least was functioning at all times in Georgia between 1775 and 1782, providing a portion of the property owners of Georgia with a sense that civil authority existed. Often there were two governments in existence, and once there were three. Citizens sought the help of these governments to defend their property legally and physically from the various destructive forces ravaging the land. The presence of armed forces made property rights all the more difficult to

uphold. The royal government and British army were at odds with each other regarding property, and much was claimed as booty or requisitioned by the military. The rebel government and armed forces were unable to cooperate with one another and left Georgia citizens unprotected until 1781. Under the leadership of Governor Martin and Continental Commander Wayne, the property rights of the civil population as well as the needs of the military were sufficiently met for cooperation to exist. Neither the civil nor the military authorities could do much about the plunderers, except try to control them for their own benefit.

VI. CONCLUSION

Civil authority functioned in Georgia between 1775 and 1782 due to the support of a population primarily interested in retaining and increasing its property. Property, in the form of land, slaves, stock, crops, work implements, outbuildings, dwellings, household furnishing, personal possessions, businesses, wharves, means of transportation, governmental positions etc., was changing possession throughout this time because of the simultaneously occurring events of social and political revolution, and local civil war.

Ownership of land meant political power under Georgia's colonial government. Between the Stamp Act crisis in 1765 and the departure of royal governor James Wright in 1776, the elite's hold on power became more tenuous as the lower classes grew politically active. The Georgia provincial government, formed in 1775, and its state constitution of 1777 levelled the elite power base by politically empowering nearly all white adult male citizens. Anxious to get his restored colonial government functioning, royal governor Wright accepted in 1780 a wider range of participants than he had in the past, some of whom had pledged allegiance to the whig government. In an attempt to raise funds and keep estates functioning, both the state government and the reinstated royal colonial government initiated attempts to sell abandoned land. This opportunity to purchase estates

long held by the colonial elite broke the remaining fragments of the social patterns of the past. The social revolution in Georgia eliminated the colonial elite class and created the opportunity for most white males to own property and to be a part of government.

Georgia was considered property of strategic value by both Great Britain and the Continental Congress due to its southeastern locale and resources. Great Britain re-established civil government and the Continental Congress supported civil government there in order to better lay claim to Georgia. The British army and the Continental army fought on her soil and both civil governments maintained militia. The military could not satisfactorily protect the citizens of Georgia, who responded to these governments politically, not ideologically.

Local civil war in Georgia fed off the confusion of the times and the fact that Georgia was a sparsely settled frontier. Neither royal nor rebel governments maintained military or civil authority throughout Georgia and as a result large areas of land were essentially lawless. The shifting allegiance of many citizens made loyalty difficult to prove. Unaligned marauders plundered abandoned property, hunted down ownerless slaves, drove off cattle and generally terrorized the settlements. In addition, rebel and royal soldiers combed the countryside for food and booty. The authority patterns of the colonial era were shattered; many

Georgians felt their primary allegiance was to themselves and to the protection of their property and they did not hesitate to take the law into their own hands.

The rebel/republican and royal governments of Georgia responded to the exigencies of the times in similar ways. The simultaneous events of political and social revolution, as well as local civil war, forced these governments to rise up quickly to meet the needs of their people. For the citizens of Georgia, many of their difficulties stemmed from their property: how to keep and protect it, how to retrieve what had been stolen and collect what was owed to them, and how to prove their ownership and thus regain possession. They were also interested in acquiring more property. The two governments attempted to sell abandoned property to raise funds and they also used abandoned property as barter. Rebel and royal governments sought to meet these complex needs through a variety of civil legislation.

Adult white male Georgians interested in living on their land under the benefit of government had to meet the requirements imposed by civil authorities regarding loyalty. In general these included such overt acts as taking up arms in support of the government, assuming public office, cooperating with the authorities and voting. Many, thought to be of undetermined allegiance, were required to take a variety of oaths and pay fines in order to remain on their land. Women and children, treated neutral, were allowed to

petition the government for the right to claim legal ownership of land and live upon it. Rebel/republican and royal governments alike were anxious to retain as many citizens as they could in Georgia to keep the southeastern frontier as settled as was possible. Deserted farms and plantations drew renegade bands of marauders looking for plunder to the sparsely populated areas, and the uncultivated fields increased the potential for famine. Loyalty was defined and interpreted in a number of ways by both governments as they struggled to keep people on the land.

Georgia was a war zone and suffered the presence of both the Continental and British armies as well as the militias of each civil government. The demands of the armed forces regarding property were at times in conflict with the rights of the citizens and the authority of the civil government. In turn, the demands of the citizens for better property protection by the armed forces were in conflict with the role the armed forces played. Both rebel/republican and royal governments needed their armed forces to achieve victory over each other and thus found ways to accommodate their presence.

Property was the motivating factor in the maintenance of civil government in Georgia between 1775 - 1782. The British government and the Continental Congress wanted to be in a position legally to claim Georgia once the revolution

was over and so they encouraged the establishment of civil authority there. The resultant governments were led and supported by Georgians who wanted to retain their property. These governments, loyalist and rebel/republican alike, needed people to remain on their land and plant their crops. Neither wanted to see Georgia abandoned due to famine or anarchy during this troubled time of revolution and civil war. That both civil governments were unable to prevent citizens from shifting their allegiance and later encouraged it suggest that the citizens gained the upper hand and remained aligned with their property rather than with ideology.

A framework of civil authority was superimposed over revolutionary Georgia that proved flexible enough to withstand the threat of anarchy. This framework contained competing governments that were unstable due to lack of military support, but resilient due to civilian support. Neither government had the power to insist upon a binding oath of allegiance from Georgians. Citizens utilized every means available to protect their property and the civil and military authorities allowed this flexibility of allegiance in order to keep and renew their support. As governments came and went, the populace managed to keep a structure of civil authority erect in some part of Georgia at all times.

There is no question that Georgia was in a precarious condition by 1782. Without the last minute show of strength

by the Continental Army that precipitated the evacuation of the British, it is possible that Georgia could have succumbed to anarchy and famine or uncontested colonial status. On the other hand, she could have staggered on for some time to come. Georgia, in August 1782, was a poor frontier state with a recently shattered planter elite, enormous numbers of unsupervised slaves wandering around, a broken agricultural system, a recently resurrected state government, and only local military protection against the British in East Florida, outlaws and Indians. Her greatest resource was her inhabitants, those who had stubbornly and resolutely remained. Although many of them were inexperienced in the ways of government in 1775, it can not be said that they remained so.

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