The Structure of South Carolina Politics 1783-1787

Angeline Polites

College of William & Mary - Arts & Sciences

Follow this and additional works at: https://scholarworks.wm.edu/etd

Part of the Political Science Commons, and the United States History Commons

Recommended Citation
https://dx.doi.org/doi:10.21220/s2-na84-bb97

This Thesis is brought to you for free and open access by the Theses, Dissertations, & Master Projects at W&M ScholarWorks. It has been accepted for inclusion in Dissertations, Theses, and Masters Projects by an authorized administrator of W&M ScholarWorks. For more information, please contact scholarworks@wm.edu.
THE STRUCTURE OF SOUTH CAROLINA POLITICS

1783-1787

A Thesis
Presented to
The Faculty of the Department of History
The College of William and Mary in Virginia

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

By
Angeline Polites

1965
This thesis is submitted in partial fulfillment of the requirements for the degree of Master of Arts

Author

Approved, May 1965

William W. Abbot, Ph.D.

Ludwell H. Johnson, Ph.D.

Gordon S. Wood, Ph.D.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
<td>iv</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>2</td>
</tr>
<tr>
<td><strong>Chapter</strong></td>
<td></td>
</tr>
<tr>
<td>I. THE SUPREMACY OF THE LEGISLATURE IN THE</td>
<td>4</td>
</tr>
<tr>
<td>GOVERNMENT OF SOUTH CAROLINA</td>
<td></td>
</tr>
<tr>
<td>II. ELECTION TO THE LEGISLATURE AND QUALIFIC-</td>
<td>22</td>
</tr>
<tr>
<td>CATIONS OF THE CANDIDATES</td>
<td></td>
</tr>
<tr>
<td>III. LEADERSHIP IN THE LEGISLATURE</td>
<td>33</td>
</tr>
<tr>
<td>IV. ACCOMPLISHMENTS OF THE LEGISLATURE</td>
<td>60</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>79</td>
</tr>
</tbody>
</table>
ABSTRACT

The purpose of this essay is to describe and analyze the structure of politics in South Carolina in the early years of American independence, 1783 to 1787.

The method of approach was to determine the locus of power within the government, the methods by which men became part of this power structure, who became leaders in the government and what distinguished them from their less influential colleagues, and finally, how these men who controlled the government used their power to decide upon and cope with the pressing problems of the Confederation period in South Carolina.

The locus of power in South Carolina government during the 1780's was the legislature, where in turn, the House of Representatives was most powerful. The centralization of South Carolina's government was so complete that the legislature's jurisdiction or influence extended to every facet of government and to all its branches.

Many of the men who were most influential in the legislature, and consequently, who controlled the government of the entire state were members of wealthy, well-established, aristocratic families of the tidewater. They were the same men who had led the Revolutionary movement in the state. Nearly all had served with distinction during the War, had much political experience, and would go on from the state legislature to successful careers in national politics.

Some of the issues and problems the legislature faced mirrored the problems of post war America—weak economy, Loyalists, Indians, the relationship of the states to the national government. Other problems were the establishment of county courts, constitutional revision, and moving the state capital. An examination of these problems and how they were solved illustrates that the convenient division of low country versus upcountry which historians have associated with South Carolina politics did not always fit the situation. Political alignments in South Carolina in the 1780's were far more complicated that the traditional theories of tidewater aristocracy versus upcountry democracy have suggested.
THE STRUCTURE OF SOUTH CAROLINA POLITICS
1783-1787
INTRODUCTION

As they made their way toward Jacksonborough in January 1782, the newly elected members of the South Carolina Assembly must have speculated upon what the new year would bring. The past five years had brought much for which these men, and others like them, had planned, worked, and finally fought. These years had brought the end of British rule in America and the independence of South Carolina and her sister states. They had also brought political disruption, economic chaos, war, death, destruction, and for some of these men, imprisonment by the British and total financial ruin.

The road to independence had been long and hard, and many patriots must have wished, in 1782, that they could return to their homes, however battered and ruined, to rest, to rebuild their estates, to resume their antebellum way of life. They were traveling instead to attend the meeting of the Assembly at Jacksonborough, the first such meeting since the British invasion of Charleston two years before. There they would learn, if they did not already know, that whatever work they had done, there was much more to do. Whatever problems they had solved, there were many more to settle. The British had departed; the old way had been destroyed. These men who had worked to destroy it now would be responsible
for the new government they had created to replace the old. They had led the struggle against the old authority; now their own leadership and authority would face the crucial test of actual experience.
CHAPTER I
THE SUPREMACY OF THE LEGISLATURE
IN THE GOVERNMENT OF SOUTH CAROLINA

South Carolina's Constitution of 1778 made very clear that supreme power in the state government should rest in the legislature. Legislative authority was vested in a bicameral General Assembly, which came to exercise virtually unlimited control over South Carolina's government throughout the 1780's. The Constitution provided for executive and judicial branches, but these had no power independent of the legislature.¹

The executive branch included the governor, lieutenant governor, Privy Council, secretary of state, two commissioners of the treasury, the attorney general, surveyor general, customs collectors, and a few other minor officials.²

The Privy Council had two functions, to advise the governor and to serve as a Court of Chancery. It was made up of the lieutenant governor and eight other members, four of

²Ibid., Arts. III, VI, XXI, XXIX.
whom were elected from the legislature each year for one two
year term. A Councilor was eligible for reelection after a
lapse of four years. Members of the Senate or House of
Representatives retained their seats in the Assembly while
serving on the Council. 3

The head of the executive branch was the governor, who
was a member of and was elected and paid by the legislature. 4
To prevent the rise of too powerful a chief executive, a
reasonable precaution in view of their recent struggle with
the British, the writers of the constitution limited the
governor to one two-year term, although he could serve again
after four years. 5 When the few prerogatives of the office
are considered, however, the precaution would seem to have
been unnecessary. The governor was given, in fact, very
little authority under the constitution, which stated "That
the executive authority be vested in the governor and

3Ibid., Arts. IX, XXIV.

4Only John Mathews, elected in 1782, was not a member of
the legislature at the time of his election. He had been
serving in Congress and was chosen governor upon his
return to South Carolina, in place of Christopher
Gadsden, who had declined the office. Charles Gregg
Singer, South Carolina in the Confederation (Philadelphia,
1941), 33; Constitution of 1778 Art. III; Journal of the
House of Representatives of South Carolina, Mar. 11,
1786, Feb. 2, Mar. 1, 1787. Microfilmed copies of the
legislative journals, obtained from the University of
North Carolina Library, Chapel Hill, North Carolina,
were used for this paper. Because of confused pagi-
nation, all references to House Journal are by date.

5Constitution of 1778, Art. VI.
commander-in-chief in the manner herein mentioned. 6 Very little was mentioned. He was empowered only to appoint a meeting place for the legislature should the capital be unsafe, to call special sessions of the legislature if necessary (with the advice of the Privy Council), and to authorize thirty-day embargoes if the Assembly were recessed. 7

The governor's power of appointment was limited. The legislature chose "all officers in the army and navy of the state of and above the rank of captain." 8 The governor filled vacancies when the Assembly was not in session and, with the "advice and consent of the Privy Council," appointed "all other necessary officers." 9 Most often, necessity was determined by the legislature.

When a situation called for an executive appointment, the legislature granted the necessary power to the governor. In 1783, the Assembly empowered him to appoint a ranger company and a brigadier of the militia. In 1784, it authorized him to appoint road commissioners for districts which failed to elect them, 10 and in the following year it empowered him to appoint agents "to prosecute South Carolina

6Ibid., Art. XI.
7Ibid., Arts. XII, XVII, XXXV, Jul. 7, 1783, Sept. 9, 1785, House Journal.
8Constitution of 1778, Art. XXX.
9Ibid., Arts. XXXI, XXXII.
10Mar. 4, Aug. 6, 1783, Mar. 23, 1784, House Journal.
boundary claims" and to draw on the treasury to pay them.\textsuperscript{11}

He apparently had authority to pardon, but even this was challenged by the legislature on at least one occasion, in a case concerning two horse thieves who had been pardoned by Governor Benjamin Guerard "on condition of banishment."
The House referred the case to a committee.\textsuperscript{12}

Not content with limiting power of appointment, the Assembly refused to grant any extra executive power except in case of dire emergency, such as threat of invasion. On one occasion the governor's own request for an extension of his power was flatly refused. He could not choose the delegates to Congress, said the Senate, because such would not be "in the spirit of representative government."\textsuperscript{13}

Limiting executive power was not enough. The legislature kept a close watch on his excellency's administration of the few duties he had. His accounts were examined by a legislative committee, and he was expected to make a full report of what he had done during the Assembly's recess.\textsuperscript{14}

Although the governor was the titular commander in chief of the state, the Assembly had charge of the organization of

\textsuperscript{11}Mar. 22, 1785, \textit{ibid.}

\textsuperscript{12}Feb. 23, 1785, \textit{ibid.}

\textsuperscript{13}Mar. 12, 16, 1783, \textit{ibid.; Journal of the Senate of the South Carolina, Mar. 9, 25, 1784}. Microfilm copies are available at the University of North Carolina Library.

the army, navy and militia; it considered military appointments and promotions, officers' petitions, salaries, and even provided for military courts martial.15

Under such circumstances the governor's own uncertainty about the extent of his authority and his desire to increase it are understandable. The governors elected during the 1780's were not content to accept the passive role assigned them.16 Each session of the Assembly began with a lengthy message from the governor, urging action on the pressing problems of the day—Loyalists estates, finance, Indians, defense, and trade—and urging that the governor be given more power to deal with these problems himself.17

The governor's demands for more power were certainly reasonable. The legislature met for only two months of the year, the regular session lasting from late January to mid-March. Between 1783 and 1787, the governor called two special sessions, each of which lasted only a month. The rest of the time, the governor, not the legislature, was responsible for the functioning of the government. But the

---


16Feb. 1, 1785, Senate Journal. The governors were John Mathews, 1782–3; Benjamin Guerard, 1783–5; William Moultrie, 1785–7; Thomas Pinckney, 1787–9.

efforts of the chief executives to initiate rather than merely to suggest were largely unsuccessful. The legislature retained and exercised sweeping power throughout the 1780's.18

The Assembly's control over the rest of the executive branch of the government was equally stifling. In addition to military appointments, it also chose two commissioners of the treasury, the secretary of state, district registers of of mesne conveyances, the attorney general, surveyor general, powder receiver and "collectors and comptrollers of the customs and duties."19 The executive officers served for two years and could serve for only two consecutive terms. Once elected they were watched as carefully as was the governor. Their accounts were examined by the legislature and their salaries could be withheld if they did not perform their duties as expected. Such was the case in 1786 when the House passed a resolution suspending the salary of the attorney general until he settled the accounts of the three militia regiments.20

18 House and Senate Journals, 1783-7. The Assembly seemed more disposed to act upon executive advice during the special sessions, particularly if defense or salaries were involved. Feb. 10, 1783, Feb. 4, 1784, House Journal.

19 Constitution of 1778, Arts. XXVI, XXIX.

20 Ibid., Art. XXIX; Oct. 11, 1783, Jan. 27, Feb. 8, Mar. 25, 1784, Feb. 23, Sept. 26, 1785; Feb. 11, 20, 1786, House Journal; Feb. 6, 11, 1786, Senate Journal. The auditor general was not one of the executive officers mentioned in the Constitution. The legislature added to the executive department when it felt this was necessary.
The executive officers had little independent authority or funds. The legislature controlled the purse strings so tightly, officials had to petition the Assembly for permission to hire additional clerks or to make repairs on their offices.21 There was no executive bureaucracy in the modern sense. By subordinating all executive officials the legislature was forced to assume the burden of executive responsibility, consequently spending much time on matters which would not occupy a modern legislative body.

The Assembly's control over state government extended well beyond the executive branch. The legislature received all claims against the state, tried to determine how well its laws were being carried out, chose the state's delegates to Congress and paid them.22 It organized courts, appointed judges, established their qualifications and duties, regulated

21Aug. 4, 6, 10, 13, 1786, Feb. 2, 1784, House Journal. Occasionally, it would seem, the legislature was lax in its vigil. In December, 1792 Alexander Moultrie, the attorney general, was impeached and convicted by the legislature for embezzling $60,000 of state funds. Aug. 13, 1783, House Journal; George C. Rogers, Jr., Evolution of a Federalist: William Loughton Smith of Charleston (1758-1812) (Columbia, 1962), 113-114 and n.

their fees and salaries and examined their accounts. As in the executive branch, the extent of judicial duties and powers was uncertain. Indeed, the entire judicial system was rather vaguely defined. The constitution briefly stated that admiralty court jurisdiction extended to "maritime causes" only and that judicial officers were to be elected by the Assembly. The creation of a court system was left to the discretion of the legislature, which did not always agree on what should be done. The number of judges for a particular court, for example, was not fixed, and the Senate and House sometimes disagreed about the appointment of an additional judge as well as about the creation and function of a particular new court.

The results were as one would expect. The courts and their management simply were not adequate. The circuit courts, established before the Revolution largely in response to the Regulator movement, now were outdated. They could not handle routine business and all the new problems caused by the war and the rapid growth of the back country. The

---


24 Constitution of 1778, Art. XXV, XXVII.


legislature, on the other hand, could not handle efficiently all the judicial responsibilities it took upon itself. Yet the legislature did not overhaul the court system until 1785, and even after that insisted on handling judicial matters. Much of its time was spent, to the neglect of other duties, hearing private petitions which belonged in the courts, especially, in the years immediately following the Revolution, petitions from the people whose property had been confiscated by the state.  

The Loyalist problem was not peculiar to South Carolina but it was, perhaps, more complicated than elsewhere. When the British captured Charleston in 1780, Sir Henry Clinton issued his proclamation offering protection to those who were loyal to the King and promising severe punishment, including confiscation of property, for those who attempted to aid the Revolution. Later, a second proclamation offered pardon to all who had seen the error of their ways and would pledge allegiance to the King and obey British laws. Many South Carolinians took advantage of Clinton's offer, some, doubtless, out of Loyalist sympathy, others merely to protect their families and property. Once the British were defeated, these loyal subjects found themselves in trouble. The post-war legislature which met at Jacksonborough in 1782 passed:

---

27 The county courts are discussed in Chapter IV.

an "Act for disposing of Certain Estates, and banishing certain persons, therein mentioned." These certain persons had fought with the British, supported the British Army, or taken advantage of Clinton's offers. Now they would lose their property and in some cases be banished from the state. Those who felt they should be exempted from such penalties had to present their cases to the Assembly, not the court, for consideration.

In addition to confiscation petitions, the legislature heard petitions for pardons, for money owed individuals by the state, and many times acted upon petitions from its own members. It also decided the constitutionality of its own laws and made the rules for admitting attorneys to practice in the South Carolina courts.

The legislature's total dominance of South Carolina's government, while obvious in its relationship to the executive and judicial branches, is seen best, perhaps, in its


relationship to local government. Local administration was handled by local justices of the peace. The Assembly did not wish to take over the functions of these men. On the contrary, it increased their power in 1786 by making them "Commissioners of High Roads" and by amending the Court Bill to give the county courts powers before "given to the Ordinary." 33 Nevertheless, the local magistrates were dependent directly upon the legislature. They were appointed by and served as long as they were acceptable to it. 34 During the legislative session, a House committee would receive names of persons qualified to serve as justices. A list was then made up; the House, after approving the list, sent it to the Senate for concurrence. The Senate could disagree with the nominations and often did so. Always when a new list was made up, a few names were added, a few others deleted. In many cases, justice and legislator were one and the same. Most of the magistrates served in the Assembly, usually in the House. 35

Here is direct evidence of the complete centralization of South Carolina's government. Virginia, by contrast, had

35 Mar. 27, 1787, House Journal; Feb. 21, 1784, Mar. 23, 1785, Senate Journal. Sheriffs were elected by the legislature. They could not serve in the legislature concurrently. Mar. 21, 1785, Mar. 20, 1786, House Journal; Jan. 29, 1785, Senate Journal.
a well established local government independent of the Assembly. In Virginia, the justices of the peace, who were also the county court, held office for life. Before the Revolution, they established themselves as an independent and self-perpetuating group. The governor, not wishing to incur the wrath of this powerful group, hesitated to try to commission his own men, and the citizens could not vote the justices out of office. The justices themselves recommended men to fill vacancies caused by death, and elected or recommended for commission all other county officials. In Virginia, for example, the justices elected the sheriffs of the county. In South Carolina the legislature did. Consequently it became responsible for all matters concerning the office, including any election problems.

Such a problem arose in October, 1785. The legislature was asked not to elect a new sheriff for Ninety-Six District (which was far off in the back country) until it had investigated fully the resignation of Robert Rutherford, "late" sheriff of Ninety-Six, "in favor of Edmund Martin." The resignation, it was rumored, had been for a "pecuniary consideration." The case was committed and the election was postponed until the next session of the Assembly. On March 20, 1786, the Assembly elected Edmund Martin sheriff.

---

36 Charles S. Sydnor, Gentlemen Freeholders: Political Practices in Washington's Virginia (Chapel Hill, N. C., 1952), Chapter VI.

of Ninety-Six. Law enforcement in the district had been in a state of uncertainty, at best, for over five months.\textsuperscript{38}

Legislative control over local affairs did not end with the magistracy. Petitions asking for law and order came to the Assembly, further proof of the inadequacy of the system, as did all the petitions concerning the government of the city of Charleston, and for local improvements. The latter occupied much of the legislature's time. Each session heard numerous requests for permission to build bridges, roads, and to operate ferries.\textsuperscript{39}

Considering the multiple functions of the legislature, some overlapping of duties could be expected. Judges often served in the legislature and could also serve in Congress. They could not serve in executive capacities, however.\textsuperscript{40} Alexander Moultrie, the attorney general, served for two sessions in the House. There were some constitutional restraints: a man could not retain his seat in the legislature if he became secretary of state, commissioner of the treasury, customs officer, register of mesne conveyances,

\textsuperscript{38}Mar. 20, 1786, \textit{ibid.}


\textsuperscript{40}Feb. 7, 1783, Mar. 23, 1784, House Journal. John Faucheraud Grimke asked the House on Mar. 17, 1783, to release him from his duties as Commissioner of Confiscated Estates, which he felt would be incompatible with his new office of judge. Mar. 17, 1783, House Journal.
court clerk, sheriff, powder receiver, clerk of the Senate or House, or surveyor general or commissioner of military stores. Legislative duties could overlap with executive and judicial duties, but these could not overlap with each other.

Whereas the legislature controlled South Carolina, the House of Representatives controlled the legislature. Throughout the 1780's the House furnished most of the leadership for all government departments, and nearly all the delegates to Congress. Of the seventeen delegates elected to Congress from 1783 to 1787, including those who declined to serve, fourteen were members of the House, and four of the five delegates sent to the Philadelphia Convention of 1787 were House members. All governors except one were serving in the House at the time of their election, as were the

---

41 Constitution of 1778, Art. XX.

42 Ralph Izard, Jacob Read, Thomas Sumter, Richard Beresford, William Moultrie, Pierce Butler, Alexander Gillon, Charles Pinckney, John Bull, David Ramsay, John Kean, Thomas Bee, John Parker, Thomas Tudor Tucker, Henry Laurens, John Barnwell, and Daniel Huger. Some of these men were reelected.

43 All of the above were House members except Henry Laurens, who was not serving in the Assembly at the time of his election, and later declined the office, and John Barnwell and Daniel Huger, who were members of the Senate.

44 Henry Laurens. The House members were John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney and Pierce Butler.
lieutenant governors. Judges chosen during this period, including the master in Chancery, members of the court of Chancery, and the judge of the Court of Admiralty were House members. The House also provided a surveyor general, two treasury commissioners, three of the four commissioners to settle public accounts, the commissioner to settle boundary disputes with Georgia, two of the three loan office commissioners, the commissioners to purchase land for the new state capital, and the three judges appointed to make up a digest of state laws. Finally, the House furnished a majority of the members of the Privy Council.

This monopoly of leadership in state politics was not

---

45 John Mathews had been serving in Congress. He served in the House after his term as governor expired. The lieutenant governors were Richard Beresford, 1783, William Moultrie, 1784, Richard Winn (who later declined) 1785, Thomas Gadsden, 1787.

46 John Mathews (who declined) and John Faucheraud Grimké, 1783; William Hasell Gibbes, 1783; John Rutledge, Richard Rutson, and John Mathews, 1783; Hugh Rutledge, 1783.

47 Ephraim Mitchell, 1784.

48 Edward Blake, 1783-4; Peter Bocquet, 1784, 1787.

49 Edward Darrell, Thomas Jones, Alexander Gillon, 1785.

50 Charles Cotesworth Pinckney, Andrew Pickens, Pierce Butler, 1786.

51 John Huger and Thomas Jones, 1785.


53 Henry Pendleton, Aedanus Burke, John Faucheraud Grimké.

54 Constitution of 1778, Art. III, IX.
the only indication of House superiority in legislative affairs. In addition to money bills, which had to originate there, the bulk of legislation passed from 1783 to 1787 originated in the House. A few of the important matters were the county court bill, the digest of state laws, the proposal to move the state capital, the amercement of estates bill, and the bill to allow British merchants to remain in Charleston after the war to conclude their business.\textsuperscript{55}

The Senate, with twenty-nine members as compared to the two hundred and two members of the House, made no effort during the 1780's to challenge the dominance of the House. It made little effort to take the initiative, apparently accepting its almost advisory position. The Senate's higher property qualifications for membership may have eliminated many able and experienced men ruined by the Revolution, who instead went into the House.\textsuperscript{56} The Senate was the direct descendant of the pre-Revolutionary Royal Council, which had reached the zenith of its power before 1756. After that, its influence declined at such a rapid rate, that by 1774 William Henry Drayton "listed it as one of his seven major grievances against the crown."\textsuperscript{57} With the decline of the

\textsuperscript{55} Constitution of 1778, Art. XVI. House and Senate Journals 1783-7. The important legislation passed during the period is discussed in Chapter IV.

\textsuperscript{56} Qualifications for election to the House and Senate are discussed in Chapter II.

\textsuperscript{57} M. Eugene Sirmans, "The South Carolina Royal Council, 1720-1763," \textit{William and Mary Quarterly}, XVIII, #3 (July 1961), 391.
Council came the ascent of the Commons House of Assembly. 58 After the war, the first state constitution of South Carolina provided for a thirteen member legislative council to be elected by the General Assembly from their own number. These two groups then would elect the State's executive officers. 59 In 1778, the legislative council became the Senate, and the Commons House of Assembly became the House of Representatives, which continued as the locus of power within the legislature. 60

The legislature had complete control of the entire structure and operation of South Carolina's government. This centralization, not always making for efficiency on the local level, as the conditions of the courts and magistracy have shown, was more efficient in its operation at the higher levels of government. The legislature managed the state's business well enough during the three-month sessions so that the governor, despite his complaints about inadequate authority, was obliged to call only two special sessions between 1783 and 1787. Although the system provided ample opportunity for the legislators to "feather their own nests" at the state's expense, this seldom occurred. Members of the legislature often acted on their colleagues' behalf (and sometimes on their own), but the eighteenth century

58 Ibid., 390.
59 Constitution of 1776, Arts. II, III.
60 Constitution of 1778, Art. II.
saw nothing wrong with combining self interest with the public good. They were usually considered to be the same. It was this view of public and private interest, perhaps, which caused men to leave plantations, businesses and families every year to journey to Charleston. Since the legislature controlled every facet of government, it offered an ambitious man his only opportunity to become powerful and influential in state affairs, and to attend to his own affairs as well. Men who wished literally to shape their own destinies went to the legislature, and within the legislature, they worked in the House.
CHAPTER II

ELECTION TO THE LEGISLATURE

AND QUALIFICATIONS OF THE CANDIDATES

As the entire operation of state government in South Carolina in the 1780's rested with the legislature, and as a successful political career depended upon membership in it, election districts, election procedures, and qualifications for office were matters of great importance. The authors of the Constitution of 1778 were well aware of this, and when they provided for these things, they took pains to reserve control of the legislature for the men of property from the low country parishes.

In the decade following the Revolution, South Carolina had twenty-eight election districts -- eighteen low country parishes, and eight districts and two parishes for the fast growing upcountry, which included at that time all the area beyond the tidewater. The low country sent one hundred and twenty-six members to the House and eighteen to the Senate; the upcountry elected seventy-six representatives and eleven senators.¹ The initial advantage the low country enjoyed

¹Constitution of 1778, Art. XIII; William A. Schaper, "Sectionalism and Representation in South Carolina" in Annual Report of the American Historical Association for the Year 1900, v. 1, (Washington 1901), 237-463. See Figure I.
FIGURE I
SOUTH CAROLINA ELECTION DISTRICTS AND REPRESENTATION
AS PROVIDED BY THE CONSTITUTION OF 1778

<table>
<thead>
<tr>
<th>Lowcountry districts</th>
<th>Number of Senators</th>
<th>Number of Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Philip and St. Michael, Charleston (1 district)</td>
<td>2</td>
<td>30</td>
</tr>
<tr>
<td>Christ Church parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. John's parish, Berkeley</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. Andrew's parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. George's parish, Dorchester</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. James's parish, Goose Creek</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. Thomas and St. Dennis parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. Paul's parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. Bartholomew's parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. Helena's parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. James's parish, Santee</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Prince Frederick's parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. John's parish, Colleton</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. Peter's parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Prince Williams's parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>St. Stephen's parish</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>All Saints parish</td>
<td>1 for both parishes</td>
<td>2</td>
</tr>
<tr>
<td>Prince George's parish, Winyah</td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

| Upcountry districts                               |                    |                          |
|---------------------------------------------------|                    |                          |
| Ninety-six District                               | 1                  | 10                       |
| District between the Broad and Saluda Rivers (which was divided into three smaller areas) | 4                  | 4                        |
| Lower District                                    | 1                  | 4                        |
| Little River Dist.                                | 1                  | 4                        |
| Upper or Spartan Dist.                            | 1                  | 4                        |
| District East of Wateree                          | 1                  | 10                       |
| Saxegotha District                                | 1                  | 6                        |
| St. Matthew's parish                              | 1 for both parishes| 3                        |
| Orange parish                                      | 1                  | 3                        |
| St. David's parish                                 | 1                  | 6                        |
| New Acquisition District                          | 1                  | 10                       |
| District between the Savannah and the north fork of the Edisto Rivers | 1                  | 6                        |
due to its numerical majority in both houses of the Assembly was enhanced further by the influence of Charleston. Located in the tidewater, the city was the political, social, and cultural hub of the state. It was also the home of many of the tidewater aristocrats who filled most of Charleston's thirty seats in the House and two in the Senate.

Property qualifications for election to the legislature further illustrate the importance of geography and wealth in South Carolina politics. Property qualifications made the Senate a little aristocracy. A prospective member had to possess a "settled estate or freehold" with 2,000 debt clear. If he resided outside the parish or district electing him, his estate in that parish had to be worth 7,000 debt clear. He also had to be thirty years old, a Protestant, and a resident of the state for five years. It seems reasonable to assume that in the war-torn society of the 1780's there were far fewer men qualified for the Senate than there were ten years before the Revolution.²

Meeting the qualifications for the House was much easier. The Senate was reserved for large property owners; the House was open to less affluent men. A candidate for the House of Representatives had to be Protestant, and have fifty acres of land, a town lot, or a taxable equivalent of one of these. A man could qualify for election from a parish in which he did not reside, provided he had property worth at least 3,500 in that parish. The state residence requirement for the House

²Constitution of 1778, Art. XII.
was three years. ³

Voting requirements were much the same as the qualifications for membership in the House of Representatives. Any free, white male, twenty-one years old, who acknowledged the existence of "God, heaven and hell," had been a South Carolina resident for one year, and met the property qualifications for the House of Representatives, could vote. Gaining the franchise should not have been difficult. Although the property requirements probably excluded some citizens, in a state where land was fairly abundant most families must have at least one voting member. ⁴

Finding candidates for office was another matter. While Senate property qualifications definitely limited the number of men who could run for that office, there should have been a considerable number of men who could qualify for the House. Yet both houses had many vacancies when each session began, some of which never were filled. ⁵ Often, when asked if they "intended to qualify" for their seats, newly elected members replied "in the negative." ⁶ Apparently these men did not

³Ibid., Art. XIII; Singer, South Carolina, 9.
⁴Constitution of 1778, Art. XIII.
⁶Jan. 21, Feb. 1, 13, 1783, Jan. 21, 25, 1787, House Journal; Mar. 2, 1787, Jan. 26, 29, 1785, Senate Journal. Two prominent men who declined to serve in the Senate were Cornelius Dupont and Colonel Morton Wilkinson, who was elected from St. Paul's parish. Both had served previously.
care to serve. In some instances, perhaps, a man refused to serve because he was aware of some irregularity in his election. Certainly the legislature was most scrupulous in upholding election rules, for on several occasions, members of prominent families were not allowed to take their seats. Among them were General Stephen Bull of Prince William parish, Ralph Izard of St. George's, and Arthur Middleton, John Lewis Gervais, and Henry Laurens, Jr., of Charleston. 7 Bull, 8 Izard 9 and Middleton 10 returned to serve in later House sessions, however, and Gervais had serve earlier in the Senate. 11

With the apparent scarcity of men who were both willing and able to serve, it is not surprising to find that a man was sometimes elected simultaneously from two parishes, or from a district far from his residence. Many people owned land in different places throughout the state, thus meeting property requirements in several parishes. 12 A man elected

---

8 Sept. 27, 1785, ibid.
9 Jan. 24, 1785, ibid.
10 Mar. 24, 1785, ibid.
12 John Lewis Gervais, who served as Senator for Ninety-six District from 1784 to 1786, lived in Charleston where he had extensive business interests and large property holdings. Senate Journal, 1784-6; Forrest MacDonald, We, the People, the Economic Origins of the Constitution (Chicago, 1958), 223.
from two parishes could choose which he would represent. John Mathews, elected representative in 1785 by Charleston and St. George's, Dorchester, chose to represent Charleston. Benjamin Guerard, elected that same year from both St. Helena and Charleston, chose to represent the former. Others elected in 1785 from two parishes were Isaac Holmes as representative for Charleston and St. John's, Colleton, and Daniel Huger as senator from Charleston and St. Matthew and Orange parishes. 13

The scarcity of qualified men wishing to go to the legislature made campaigning almost unnecessary. If the number who refused office is indicative, and the pre-Revolutionary custom of not openly seeking office still prevailed, a man could have been elected without declaring his candidacy and seemingly without even wanting to hold office. Whether or not a man chose to accept an office was his own concern. The procedure by which he was elected was entirely the concern of the legislature. What the Constitution did not specifically direct the legislature to do, it took upon itself.

Election districts and the number of representatives for each district had been established by the Constitution. The legislature, however, could and sometimes did alter the place of election within a parish and even divided a parish

---

into two smaller ones.\textsuperscript{14} For those districts without church wardens -- usually in the upcountry which had few Anglicans -- the House of Representatives was to appoint "places of election and persons to receive votes and to make returns." If vacancies occurred during the Assembly's recess, the President of the Senate or the Speaker of the House was to issue writs of election for these vacancies at least three weeks in advance of the election.\textsuperscript{15}

The legislature managed the actual elections within this framework. Before the end of each legislative session, provision was made for the next election -- usually that it be conducted the same as the one before, in accordance with the most recent election act passed by the legislature.\textsuperscript{16} The church wardens and election managers appointed by the House were required to conduct an election at the place appointed by the legislature and to send their returns to the Assembly immediately after the election. The Assembly, which of course determined its members' fitness to serve, allowed no one to take his seat unless the writs had arrived from

\textsuperscript{14}\textit{Mar. 17, 1787, House Journal; Mar. 5, 1784, Senate Journal.}

\textsuperscript{15}\textit{Constitution of 1778, Art. XII, XIII, XVIII.}

\textsuperscript{16}\textit{Mar. 25, 1784, Mar. 20, 21, 1786, House Journal.}
his district.\textsuperscript{17} Those elected were expected to attend immediately. If they did not, the Clerk of the House or Senate was instructed to write to the absent members urging their prompt attendance, although nothing was done, apparently, if they did not appear.\textsuperscript{18}

The election system as outlined by the Constitution and practiced by the legislature further illustrates the centralization of South Carolina's government. In Virginia, the county court elected the sheriff, who in turn managed the elections. A sheriff in South Carolina, who in any case was chosen by the legislature, had no such power. In the absence of authorized local officials such as sheriffs or justices of the peace, election officials were directly responsible to the legislature which had appointed them. This was reasonable, of course, but inefficient. While the Assembly certainly should have had, and did possess, jurisdiction in cases regarding the elections of its members, time and distance often rendered an expeditious investigation and decision impossible.

When an election irregularity arose, something to be expected from time to time, it had to be reported to the legislature in Charleston, which was a considerable distance from the upcountry districts. If the Assembly were in session, the case would be taken up immediately. But since

\textsuperscript{17}Feb. 14, 1787, \textit{ibid.}

\textsuperscript{18}Jan. 27, 1783, Feb. 15, 1785, Senate Journal.
most elections took place in November and the legislature did not convene until January, and seldom had a quorum before the second week, a disputed election usually remained unsettled for at least two and a half months. Once in session the Assembly promptly gave its attention to any election irregularities reported, but by the time it heard the petition, referred it to the Committee on Elections and Privileges, waited for the committee to investigate and report, debated and decided on the report, and communicated its decision back to the election district, days or even weeks had passed.

A case involving mob violence during an upcountry election for the Assembly illustrates some of the difficulties involved in South Carolina's election system. On January 23, 1787, the House of Representatives received a letter from Thomas Gordon and Robert Rutherford, election managers for the district between the Broad and Saluda Rivers. The managers described election proceedings for representatives in which three candidates had declared themselves "Tory." Because there was much Tory sentiment in the district, there was a possibility that they would win the election. A group of "Whigs," fearing this possibility, became angry, collected a mob, and destroyed the ballot box. Gordon and Rutherford requested instructions from the Assembly on how to proceed. Their letter was referred to the Committee on Elections and Privileges the same day.

Twelve days later, on February 3, the committee reported. The only mention made of the Broad-Saluda election was that
the managers acted with "propriety and integrity," to which the House agreed. If the managers were told to take any other action it was not recorded. The House committee did not recommend another election in this report, nor did anything about it appear in the House journal at any later date. Another election apparently was held because two representatives, John Lindsay and Philemon Waters served for Broad-Saluda District later in the 1787 session, but the circumstances and the time of the election are unknown.

It should be pointed out that irregularities were not limited to occasional local problems. They sometimes occurred during elections within the legislature itself. On the evening of February 20, 1787, the Senate and House met in joint session to elect a secretary of state. The total votes counted were one hundred ninety-nine, with no one of the three candidates receiving a majority. The problem was that there were only one hundred fifty representatives and twenty-three senators present, a total of one hundred seventy-three. Obviously there were twenty-six votes more than members. The election was declared void, and the election procedure was changed. To avoid further such incidents, elections were to be held in the daytime, members were to deliver their ballots to the Speaker while the Clerk checked them in, the House would be cleared of strangers during the election, and anyone caught cheating

would be expelled and considered ineligible to hold any public office. (An error was found the next month in the election of General John Barnwell for Congress but it was not too serious, apparently, since little mention was made of it in the minutes.)

The centralization of South Carolina's government was very nearly complete. By supervising every aspect of election procedure, the legislature controlled the channels leading to the government as well as the government itself. It added to its already overwhelming tasks those of choosing election commissioners and handling elections. When election problems arose, the legislature acted as quickly as it could, but it could not always act efficiently. By creating a completely centralized system, the Assembly made itself responsible for everything connected with the government of South Carolina. The responsibility sometimes was accompanied by inefficiency and, in some cases, less than adequate protection for the citizens at large.

Yet efficiency may not have been the legislature's primary goal at this point. The Assembly had been powerful and had managed most of South Carolina's affairs in much the same way before the Revolution. Perhaps now the problem was to maintain this leadership and control over the government and state affairs. The Constitution of 1778 was written by the legislature, most members of which had been

---

running the government for a long while and doubtless wished
to continue to do so. This could be done by controlling, at
least to some extent, the nature of the legislature's mem-
brship. Property qualifications and the division of elec-
tion districts took care of that. It was not complete con-
trol by any means. While relatively few men may have been
qualified for the Senate, voting qualifications and the
qualifications for election to the House were broad enough
to permit most citizens to participate in the government.
The Constitution set just enough limits to ensure the elec-
tion to the legislature of men with some property, and, most
important, with property in the tidewater. If the legisla-
ture's purpose was to secure tidewater control of the govern-
ment it would seem they had succeeded. What actually hap-
pened when the representatives gathered in the capital is
another matter.
CHAPTER III

LEADERS IN THE LEGISLATURE

The locus and focus of power in the political structure of South Carolina in the 1780's was the legislature, specifically the House of Representatives. Election to the House was relatively easy. Consequently, the crux of the problem for the man who wished to control the levers of power in the state was to establish his power and influence within the legislature. How did a man become a leader in the Assembly? What characteristics distinguished him from his fellows? Which members composed the legislature's "inner circle"? A study of the men who controlled the legislature during the 1780's can provide partial answers to these questions, and show also what South Carolinians felt were the essentials of political leadership.

House and Senate leaders were identified here by committee memberships and chairmanships. Since committee work formed the basis for legislative action, we concluded that those men who served most frequently on the most important committees and who were most often chairmen of the more important committees, were the most influential.

Most of the legislature's work was done through committees appointed by the Speaker of the House (or, in the
case of the Senate, by the President). Most committees consisted of three men, were formed as the need arose, and disbanded after reporting their findings or recommendations. Three exceptions were the permanent or standing committees — Rules and Orders, Elections and Privileges, and Ways and Means. The latter two also had larger than average membership. The House Committee on Elections and Privileges, with thirteen members in 1783, had increased to twenty-three by 1787. Its chairman changed every two years; Charles Cotesworth Pinckney held the position from 1783 to 1785, Ralph Izard from 1785 to 1787, and Edward Rutledge was chosen in 1787. Each of these men was a leading figure in South Carolina politics. The other large committee, Ways and Means, had nine to ten members and the same chairman from 1783 to 1787, John Mathews, leader in the legislature who also had served in Congress and as governor. The Rules and Orders committee had only three members during the 1780's, but was chaired by leading legislators, at least until 1787. Thomas Bee held the position until 1785, when Charles Cotesworth Pinckney left the chairmanship of the Elections and Privileges committee to assume it. He was succeeded in 1787 by a Mr. Farr (probably Thomas Farr of St. Andrew's parish), who until then had had an undistinguished career in the house.¹

¹Jan. 21, 1783, Jan 27, 1784, Jan. 25, 26, 1785, Feb. 1, 1786, Jan. 23, 27, 1787 House Journals.
One important exception to the committee theory of leadership in the legislature should be noted. The most influential individual in the House was the Speaker. The man who held this position appointed the chairmen and members of every committee in the House, thus controlling, indirectly, the course of legislation in every matter which the Assembly discussed. This, as we have seen, included almost everything. Speakers during the 1780's were Hugh Rutledge, John Faucheraud Grimké, and John Julius Pringle, all leaders in the Assembly.\(^2\)

The House of Representatives had a total membership of two hundred two, but the full number never attended.\(^3\) Average attendance at a session was about 170, and far less during the special sessions. Some men appeared for only one or two sessions, never to be seen again. Some were present at every or nearly every session from 1783 to 1787 but to all appearances did little more than attend daily. After discounting these men and those whose committee work was largely routine and unimportant, a singular group of twenty emerges. Doubtless there were other men who exercised power during this time, men who worked "behind the scenes," but no discussion of South Carolina politics in the 1780's should exclude any of these twenty House members.

Within this group, nine could be considered first among the leaders in terms of participation in committee work. Some of the others did not appear as frequently, often because

\(^2\)Jan. 21, 1783, Jan. 21, 1785, Jan. 23, 1787, *ibid.*

\(^3\)Constitution of 1778, Art. XIII.
they were in Congress or occupying executive positions.
The nine leaders were Thomas Bee, Pierce Butler, Peter
Payssoux, John Faucheraud Grimké, Henry Pendleton, Charles
Cotesworth Pinckney, David Ramsay, Edward Rutledge, and
John Rutledge. The remaining eleven House leaders were
Aedanus Burke, Christopher Gadsden, Alexander Gillon, Ralph
Izard, John Mathews, William Moultrie, Andrew Pickens,
Charles Pinckney, Thomas Pinckney, Jacob Read, and Hugh
Rutledge.

Thirteen of the twenty leaders were lawyers, including
seven of the primary group. Five who also had large plan-
tations and many slaves could be considered planters as
well as lawyers. In addition, there were two physicians,
two merchants, and three planters.

---

4 All biographical material for this chapter was found in
these sources:

Richard Berry, Mr. Rutledge of South Carolina (New York,
1942); Ulysses Robert Brooks, South Carolina Bench and
Bar, 2 v. (Columbia, S.C., 1908); Elisha P. Douglass,
Rebels and Democrats: The Struggle for Equal Political
Rights and Majority Rule during the American Revolution
(Chapel Hill, 1955); Sara Ervin, South Carolinians in
the Revolution; with Service Records and Miscellaneous
Data also Abstracts of Wills, Laurens County (Ninety-
Six District), 1755-1855 (Ypsilanti, Mich., 1929);
Cecil B. Hartley, Heroes and Patriots of the South;
comprising lives of General Francis Marion, General
William Moultrie, General Andrew Pickens, and Governor
John Rutledge, With Sketches of other distinguished
Heroes and Patriots who served in the Revolutionary
War in the Southern States (Philadelphia, 1860);
Arthur Henry Hirsch, The Hugenots of Colonial South
Carolina (Durham, 1928); Allan Johnson, ed., The
Dictionary of American Biography (New York, 1928 and ff.);
Jackson Turner Main, The Anti-Federalists: Critics of
the Constitution, 1781-1788 (Chapel Hill, N.C., 1961);
Edward McCrady, The History of South Carolina in the
The House leaders filled executive, judicial and legislative positions. Three governors, seven judges, and seven delegates to Congress were from this group of twenty. Three of the four delegates to the Philadelphia Convention of 1787 were from this group, all among the first nine.

All twenty House leaders had been supporters of the Revolution and had served in military or civil capacities during the conflict. Many had served in the Provincial Congresses or in the Continental Congress. One of the first nine, Edward Rutledge, shared, with John Jay of New York, the distinction of being the youngest signer of the Declaration of Independence. For some of the leaders, their service in the South Carolina Assembly was the stepping stone to a successful career in the national government in the 1790's. Many of these men, as we shall see, served in the Washington and Adams administrations.

References:

- Revolution, 1775-1780 (New York, 1901); The History of South Carolina in the Revolution, 1780-1783 (New York, 1902); Forrest MacDonald, We, the People, The Economic Origins of the Constitution (Chicago, 1958); John Belton O'Neal, Biographical Sketches of the Bench and Bar of South Carolina: to which is added the Original Fee Bill of 1791. (Charleston, 1859); David Ramsay, M.D., The History of South Carolina from its first settlement in 1670, to the year 1808, 2 v., (Charleston, 1809);
Outstanding members of the House were the Rutledges and the Pinckneys. The three Rutledge brothers, all lawyers, had received their training in England. John, the eldest, literally had exploded on the Charleston legal scene in 1761, when, only twenty-two years old, he began a law practice which soon made him South Carolina's leading attorney and which, by the time of the Revolution, was bringing him an estimated annual income of £9,000. His land, slaves, and other property have been valued at £70,000. Most of this fortune was lost during the war, however, and he was heavily in debt during the 1780's.

John Rutledge's public career was long and varied. It began in 1761 with his election to the Commons House of Assembly as representative of Christ Church parish; it ended in 1795 when mental breakdown forced his retirement from the Supreme Court of the United States. In the intervening thirty-four years his career and the course of South Carolina politics were linked inextricably. He either managed or was important in every phase of South Carolina's transition from colony to state. He represented the state at important national meetings, then often returned to serve at home. Rutledge served as delegate to the Stamp Act Congress, and to both Continental Congresses. He helped to organize the first state government, and became the first state president under the Constitution of 1776.

As wartime governor he exercised extraordinary executive power granted to him by the legislature which had been
forced to adjourn and flee the British. Rutledge himself went into brief exile in North Carolina after the fall of Charleston.

The British departed in 1781 and Rutledge returned to face the problem of restoring South Carolina's civil government. He immediately issued proclamations suspending the use of currency and forbidding suits for debt, offered pardon to those who had joined the British if they would appear within thirty days to do six months' militia service, and on November 20, 1781, issued the call for the election of the legislature which met in Jacksonborough in 1782.

The Jacksonborough Assembly praised Rutledge for his work as wartime governor and enacted his recommendations, including a confiscation law which probably prevented harsher measures. Meanwhile, ineligible for reelection as governor, he took a seat as representative for St. Andrew's parish, and was elected immediately to Congress where he served from May 1782 to September 1783. Returning to the legislature the following year, he was elected to the Court of Chancery and later drafted a bill for the Court's reorganization. He continued his work in the House, serving on twenty-six committees, and as chairman of nineteen of them. Most of Rutledge's committees were concerned with financial and judicial problems.

In 1787, Rutledge journeyed to Philadelphia. At the Convention, where he was chairman of the committee of
detail, he consistently represented the views of South Carolina's tidewater area. Rutledge advocated representation based partly on wealth, assumption of state debts, unrestricted slave trade, and, true to South Carolina's ideal of legislative supremacy, he favored the election of the President by Congress and of Congress by the state legislatures.

After the ratification of the Constitution, for which Rutledge worked vigorously in South Carolina, he became one of the most influential leaders of the state's Federalist Party, and frequently served the new national government. After a two-year term as a United States Supreme Court Justice and four years as Chief Justice of South Carolina, in 1795 he asked President Washington for reappointment to the United States Supreme Court. His request brought him a commission as Chief Justice of the Court. Presiding over one session was Rutledge's final act of public service.

John Rutledge served South Carolina well. He had come to the legislature with an impressive background. Eldest son of an established, aristocrat family, married to Elizabeth Grimké, of an equally important family, wealthy, well-educated, and extremely intelligent, he probably had more political experience than any other member of the legislature, a fact both the legislature and the people of South Carolina well appreciated. They called upon Rutledge to govern the state in times of urgent local need, then wisely sent him to the major national conventions and
congresses to speak for them. Both at home and away, Rutledge was the most able spokesman of the planter society of South Carolina's tidewater. He faithfully represented his home and his way of life in a career which illustrates perfectly the combination of public and private interest and the importance of a position of power in the legislature as the way to national prestige.

While John Rutledge frequently served South Carolina's interests outside the state, Edward, the youngest Rutledge, concentrated on state politics. He represented the parishes of St. Philip and St. Michael, Charleston, at every legislative session from 1783 to 1787, and served, in that time, on thirty-five committees. He was chairman of twelve of these, including the powerful Ways and Means committee.

Rutledge brought much experience to the legislature. He had attended the Continental Congresses, and the Presidential Congresses of South Carolina. After signing the Declaration of Independence he returned to South Carolina for military service. Captured at the fall of Charleston in 1780, he was a British prisoner at St. Augustine until 1782. He was exchanged in time to take his seat in the Jacksonborough Assembly where he drew up the bill for the confiscation of Loyalist property.

Edward Rutledge worked tirelessly in the legislature and at the ratifying convention of 1788 and the state constitution convention of 1790. He was a presidential elector in 1788, 1792, and 1796, and emerged, with his brother, as
one of the most influential Federalists in South Carolina. In his final years in public life, he represented Charleston in the state senate and was elected governor.

Edward Rutledge maintained the family's power and influence in South Carolina in the 1780's. He too, had wealth, education, family connections -- he had married Charles Cotesworth Pinckney's sister -- and political acumen, which he combined to represent the tidewater aristocracy.

The third Rutledge brother, Hugh, began his political career as judge of the Court of Admiralty in 1776, and was Speaker of the South Carolina Legislative Council in 1777 and 1778. When Charleston fell two years later, Rutledge was sent with other Revolutionary leaders to St. Augustine. When the legislature reconvened in 1782, he was elected Speaker of the House, a position he held until 1785. In 1784, the duties of the Admiralty Court were added to his legislative duties.

Hugh Rutledge represented the Charleston parishes in six of the seven legislative sessions between 1783 and 1787. He served on fewer committees than John or Edward but was more active as Speaker and judge. He carried on the Rutledge traditions, aided by family connections and by marriage connections of his own with the Smiths and the Hugers, both very prominent families. Although not the intellectual equal of his brothers, he possessed good judgment and common sense -- characteristics which earned him the respect of his
fellow legislators.

Rutledge family dominance over South Carolina politics was equalled only by that of the Pinckneys, to whom the Rutledges were related by marriage. Charles Cotesworth Pinckney, like his brother-in-law Edward Rutledge, was a London-educated attorney. His pre-Revolutionary activities included membership in the Provincial Assembly, serving as acting attorney general, and as a member of the Provincial Congress in 1775 and on the Council of Safety in 1776.

During the War, C. C. Pinckney served South Carolina in various military capacities. By 1776 he had attained the rank of colonel in the state militia. He also served in the Continental Army as Washington's aide and participated in the battles of Brandywine and Germantown. Upon his return to South Carolina he commanded his old regiment in the Florida campaign of 1778 and in the siege of Savannah. During the British attack on Charleston, Pinckney commanded Fort Moultrie where he opposed the surrender of the town, and was taken prisoner by the British. Released in 1782, he joined the Rutledges and others in reestablishing civil government in South Carolina.

Pinckney served in the House for all seven sessions between 1783 and 1787. He was chairman of nineteen committees, including the committee on Elections and Privileges from 1783 to 1785 and the Rules and Orders committee in 1785, and also served on thirty other committees concerned with all types of legislation and petitions. He was appointed Georgia boundary commissioner in 1783 and 1786, attended the
Philadelphia Convention, and was a member of the state convention which ratified the federal Constitution.

During the 1780's and early 1790's Pinckney declined several posts in the new government, feeling he would be of more service at home. As the Federalist Party developed, largely under his and the Rutledges' direction, refusing appointments became more difficult. He finally accepted the post of Minister to France in 1796. The climax of his political career came in 1800 when he ran against Thomas Jefferson for President. He retired from public life after his defeat.

Thomas Pinckney, Charles Cotesworth's younger brother, represented the Charleston parishes in the House after 1785. A lawyer, he studied at Westminster and Oxford, and returned from England in 1772 or 1773. He served in the militia during the Revolution until 1780 when he was wounded and taken prisoner. Combining state and national politics in his career, the younger Pinckney accepted several positions with the national government. After serving as South Carolina's governor from 1789 to 1791, he became Minister to the Court of St. James. Later he was sent to Spain where he negotiated the Treaty of San Ildefonso. He returned to South Carolina in 1796, and was elected to Congress where he generally supported Federalist policies. His earlier work in the legislature and with his brother in building South Carolina's Federalist Party were valuable foundations for a subsequent career in national politics.

Charles Pinckney was the cousin of Thomas and Charles
Cotesworth Pinckney. His father, Colonel Charles Pinckney, was a Charleston lawyer who trained his son himself rather than sending him to England. The elder Pinckney at first opposed the Revolution, but later changed his mind and became a very avid supporter of the Patriot cause. With the fall of Charleston, however, he took British protection. Two years later, this resulted in the amercement of his estate, and alienated his son from the rest of the aristocratic patriots of the tidewater.

The patriotism of the younger Charles remained unquestioned, however. He served during the War as a lieutenant in the Charleston militia, was captured at Charlestown in 1780, refused protection so was kept prisoner until June, 1781. He assumed political responsibilities after the reéstablishment of state government. Charles Pinckney represented South Carolina in Congress from 1784 to 1786 and at the Philadelphia Convention. Only twenty-nine in 1787, he gained recognition by presenting the Pinckney Plan to the convention. In 1788 he attended the state ratifying convention and was elected governor the following year. In 1790 he was president of the state constitutional convention.

As national partisanship developed, it appeared Charles Pinckney would not follow his cousins into the Federalist camp. Unlike the other Pinckneys, who upheld the conservative tidewater viewpoint, Charles championed the opposition. He may have done so because of disappointment at being passed over by the Federalists for national office, or because of enmity engendered a few years earlier by the amercement of
his father's estate. Whatever his reasons, Pinckney became the creator and leader of South Carolina's Republican Party, and moved from the state legislature into national politics, where he remained active until 1820.

The House had influential leaders who were not Rutledges and Pinckneys. Thomas Bee, Oxford graduate, lawyer and planter, was experienced in politics. He had served in the Commons House of Assembly, the Provincial Congresses and on the Council of Safety. He continued to serve in civil capacities during the War--as judge, Speaker of the House, and as delegate to the Continental Congress.

Bee represented St. Paul's parish from 1783 to 1787. In the latter year, he represented Charleston. In 1786, he left the legislature briefly to serve in Congress. During his tenure in the House, Bee served on fifty-four committees, and as chairman of twenty-seven of them, including the Rules Committee from 1783 to 1785. He also served as a Georgia boundary commissioner in 1783. His achievement in national politics was as a jurist. He was appointed judge of the United States District Court in South Carolina in 1790.

John Faucheraud Grimké, educated at Westminster, also achieved distinction as a jurist. He returned from England at the beginning of the War, entered the army and participated in the battles of Stono and Charleston, but his precise role is unknown. He probably was taken prisoner at Charleston in 1780.

Grimké represented Charleston in the House continuously from 1783 to 1787, missing only the special session in 1783.
He was Speaker of the House from 1785 to 1787, and served as judge from 1783. He became Chief Justice of the South Carolina Supreme Court in 1799.

John Mathews and Jacob Read were also lawyers educated in England. Mathews, who had married John Rutledge's sister, served as judge of the Court of Chancery, Speaker of the General Assembly and as member of Congress before 1782. Upon his return from Congress in 1782, he was elected governor. Two years later he became a judge in the Court of Chancery. From 1783 to 1787 he was elected representative from Charleston and after his governorship served continuously as chairman of the powerful Ways and Means committee.

Jacob Read, also of Charleston, was a member of a prominent merchant family. His active participation in the legislature did not begin until 1786 when he returned from three years of service in Congress. His immediate appointment to various committees upon his return, however, would indicate that he was closely associated with the House leaders.

Read had been studying in England when the War was about to begin. Returning to South Carolina in 1776, he became a captain in the Charleston militia, was captured and sent to St. Augustine in 1780. He returned to the Jacksonborough Assembly in 1782 where he was on the committee for amercement of Loyalist estates.

The merchant leaders in the House were similar only in occupation. They shared little affection for each other. Christopher Gadsden was sixty years old in 1784, the "grand old man" of South Carolina politics. The 1780's were the
twilight of his career. Although he was a tidewater man, he was no conservative; indeed, he was Charleston's leading radical. In 1765, as a delegate to the Stamp Act Congress, he argued very effectively against recognizing Parliament's authority. He returned home to become the acknowledged leader of the state's radical faction, composed largely of Charleston mechanics. He vigorously opposed the Townshend Acts, corresponded regularly with Massachusetts radical, Samuel Adams, and openly advocated independence long before 1776. Despite losses of his large merchant holdings he favored non-importation. He served as Brigadier-General during the Revolution, was captured and sent to St. Augustine for ten months. He declined the governorship in 1782, serving thereafter as Charleston's representative in the House.

Commodore Alexander Gillon, like Gadsden, had received mercantile training in England and was an accomplished linguist. He replaced Gadsden as spokesman for the Charleston mechanics after 1776. During that time his business interests also rivaled Gadsden's; Gillon's estate has been valued at £30,000.

After serving in the Provincial Congresses and as a volunteer naval officer, he left in 1779 for France, instructed to purchase three frigates. He finally managed, after arousing Benjamin Franklin's suspicions with his schemes, to purchase a frigate from the Chevalier of Luxembourg, who was acting as French agent. Gillon had to promise him one fourth of the prizes.

Gillon became so entangled in debt that the ship, now
named the **South Carolina** did not sail for America until August 19, 1781. It arrived in Philadelphia the following May, having joined a Cuban expedition against the Bahamas along the way. By the time Gillon reached South Carolina, the whole transaction with the Chevalier of Luxembourg had become so entangled, no one was certain of how much was owed by or to anyone. The legislature heard petitions concerning the "Luxembourg claims" for years. The case was not settled until 1814. Gillon's machinations did not catch up with him until the 1790's when he was convicted of embezzlement. His reputation remained unsoathed during the 1780's while he faithfully represented Charleston's merchants and mechanics in the House.

More conservative, perhaps, but no less active than the merchants, were the two doctors of the House, David Ramsay and Peter Fayssoux. Fayssoux had studied in Edinburgh, then one of Europe's great medical centers. During the Revolution he became chief physician and surgeon of hospitals for the Southern Department. His colleague, Dr. Ramsay, hailed him as the outstanding Charleston physician of the day. Fayssoux was a latecomer to the legislature but became active immediately upon his arrival. He served on more committees than many men who had been in the legislature for several earlier sessions.

Dr. David Ramsay represented Charleston throughout the 1780's. During his legislative career he opposed paper money, easing the debtors' plight, and any attempt to weaken tide-water control of the Assembly. He himself went bankrupt in
Ramsay served as a surgeon in the Revolutionary Army. He was captured in 1780 and sent to St. Augustine. In addition to his military and political pursuits, Ramsay was the author of a history of South Carolina, of a history of South Carolina in the Revolution, and a biography of George Washington. His career ended in 1815 when he was killed by a maniac in Charleston.

St. James parish, Goose Creek, had as its representative one of the wealthiest planters in South Carolina, Ralph Izard. Izard, in 1771, had moved his wife (the former Alice de Lancey, niece of the lieutenant governor of New York) and his family to London, intending to remain there. His revolutionary sympathies soon forced him to leave. The family moved to Paris where Izard heard of his appointment by Congress as commissioner to Tuscany. Tuscany never received him, however, and he remained in Paris until 1779. While there, his property was confiscated and his wife's brother and uncle became notorious Loyalist leaders in New York.

Upon his return to South Carolina in 1779, Izard reestablished himself at Goose Creek and waited for the British to leave. By 1784, with the British gone and South Carolina's government operating again, Izard had become the acknowledged leader of the small group of Goose Creek planters who, it would seem had had Tory leanings during the Revolution. These same gentlemen, among them, Peter Smith, Henry Middleton, Gabriel Manigault, and Alexander Garden, Jr., later became, with Izard, the core members of the ultra
conservative branch of South Carolina’s Federalist Party.  

Izard represented St. James parish continuously after 1784. At the same time, he so successfully rebuilt his estates that by 1790 he had completely recovered from the earlier confiscation. The six hundred slaves he had are evidence of his success.

Pierce Butler was also a tidewater planter and a future Federalist. His resemblance to his low country colleagues ended there. Third son of an Irish baron, Butler had come to America as a major in His Majesty’s Twenty-ninth Regiment. While stationed in Boston he met and married Mary Middleton, daughter of Thomas Middleton of South Carolina. Butler resigned his commission in 1773, took Mary home to South Carolina and devoted himself to "planting and politics."

Politics occupied much of Butler’s time in the 1780’s. As a representative of Prince William parish, and son-in-law of one of the tidewater’s oldest families, he could have been expected to share the views of other conservative planters and merchants. He did exactly the opposite. He consistently championed the upcountry, pushed for representative reform and for moving the state capital. On the national scene, he represented the typical tidewater views somewhat more closely. As a delegate to the Philadelphia convention, Butler advocated

---

5Although there seems to have been no reason to suspect Izard of Tory leanings, his neighbors were highly suspect. Edward Rutledge, in letters to Arthur Middleton, wrote that his brother-in-law Peter Smith "had escaped confiscation from his insignificance, tho I believe he is still with the Enemy, or at Goosecreek, which is nearly the same thing." Rogers, Smith of Charleston, 124-125.
strong central government, and property as part of the basis for representation. After his election as United States Senator in 1789, however, he failed to adhere to developing Federalist policies.

No complete explanation exists for Butler's erratic political behavior. He never acted with the planter-merchant group, perhaps because of personal dislike for Christopher Gadsden, perhaps because of his own personal ambition or his impulsive nature. But whatever reasons Butler had for not hewing to the low country line, they were no impediment to a successful political career.

General William Moultrie was a South Carolina hero. Unlike the men discussed above, Moultrie had little formal education. He was a soldier and planter. His first recorded military service was against the Cherokee's in 1761. After the Cherokee War he resumed the planter's life in St. Helena's parish where he became very prosperous. At the outbreak of the Revolution he had a large plantation and two hundred slaves.

Moultrie served as delegate from St. Helena in the first Provincial Congress. After the battle of Lexington, the militia became regular troops and Moultrie became colonel of the Second Regiment of South Carolina. In June 1776 he earned lasting fame by repulsing the British attack on Fort Sullivan which he commanded. The fort was renamed in honor of Moultrie. In 1780, Fort Moultrie was attacked a second time, and its hero was captured and held prisoner in Charleston until May 1781.
After the war, Moultrie, whose military fame made him a vote getter, was elected to the legislature. In 1785, he became governor, and occupied the office again in 1794. One of the more vigorous chief executives, he always tried to prod the Assembly into action.

The men described above lived in and represented the tidewater. Only two of the twenty House leaders represented upcountry districts, General Andrew Pickens of Ninety-Six District and Justice Henry Pendleton of Saregotha. Pickens was a planter, but on a much smaller scale than any of the tidewater planters. He grew up on the frontier—far from Charleston. Like Moultrie, he was a soldier, and had begun his military career in the French and Indian War. His Revolutionary service included campaigns in Georgia and at Cowpens, and brief service with General Nathanael Greene's army. In politics, he represented Ninety-Six District from 1783. He was a member of the state constitution convention in 1790 and was elected to Congress in 1794. He returned to the legislature after his term expired. He also served as United States Commissioner in all treaties with the Southern Indians until his retirement from public service in 1811.

The upcountry's other leading spokesman was Henry Pendleton, a "mystery man" on the South Carolina political scene. One of the few leaders who was not a native South Carolinian, Pendleton's exact time of arrival from Virginia is unknown. He apparently lost no time in entering politics, however. He served as judge in the state courts from 1776 throughout his tenure in the House. During the War he was
captured, exchanged, and served as aide to General Greene.

Pendleton's legislative career was unusual. Despite the handicap of not belonging to an old South Carolina family, or at least being born in the state, Pendleton was the most active member of the legislature. He served on fifty-seven committees, and as chairman of twenty-seven of them. His greatest contribution was the plan which established county courts in the state, thus bringing local courts to the upcountry. He also worked on the digest of state laws, but died in 1788, shortly before he and his colleagues were to present the digest to the legislature.

Aedanus Burke, probably the most colorful personality in the House, was, like Pendleton, primarily a jurist. He represented the Charleston parishes from 1783 to 1787 but was also a leading spokesman for the upcountry, particularly during the debate over the ratification of the federal Constitution. Burke vigorously opposed the Constitution although he later served in the new government as Congressman from South Carolina.

An Irishman, Burke had been educated for the priesthood in France. He abandoned the cloth and migrated to Virginia where he studied law. By the time of the Revolution he had moved again, to South Carolina, where he served in the army until 1776, when he became a judge. Two years later Charleston fell and the courts closed until 1783. The judge took the field again as a captain in the militia.

In the legislature, Burke constantly expounded his liberal views. He consistently voted for leniency in confiscation suits, and disliked John Rutledge intensely for
originating the confiscation policy. His attack on the Society of the Cincinnati forced them to abandon many of their aristocratic views. Burke's career was anachronistic. He was the liberal representative of a conservative area. This, in turn, speaks well for him. His personal characteristics must have been outstanding to allow him to represent a constituency with views the opposite of his own.

Senate leadership offers several interesting contrasts to House leadership. Twelve out of the twenty House leaders were attorneys; none of the eight Senate leaders practiced law. Four were merchants, three were planters, one a physician. Most of them were extremely wealthy and well known locally; none achieved national prominence, evidence perhaps, of the Senate's secondary position in South Carolina politics. All but one of the leaders were tidewater men who represented the area and its viewpoint. Only John Lewis Gervais represented the upcountry and even he had extensive business interests and large property holdings in Charleston.

Two of the merchant leaders were Joseph Atkinson and Daniel Bourdeaux. Atkinson may have been related to a Joseph Atkinson, "tallow Chandler" of Charleston, who died in 1766. In any case, Senator Atkinson had some property, because the 1790 census lists nineteen slaves for him. His precise role in the Revolution is unknown, except that he was one of the signers of the paper currency issued to help finance the War. Atkinson was active in the Charleston Chamber of Commerce and was a member of the company which contracted to open the Catawba and Wateree Rivers to navigation. His legislative
record was astounding. In the five legislative sessions he attended, he served as chairman of twenty-six of the sixty-eight committees to which he was appointed. He represented St. Thomas and St. Dennis parishes (which were one election district) during his tenure as Senator.

Bourdeaux, also involved in the Catawba project, represented Charleston. His family had been banished from the capital under the British edict because they would not take British protection. Bourdeaux himself was a prisoner at St. Augustine. He served on thirty-one Senate committees between 1784 and 1786, as chairman of twelve of them.

Daniel Desaussure, also a merchant, was a descendent of one of the oldest Hugueot families in South Carolina. The owner of the largest commercial establishment outside Charleston, he later moved from Beaufort to Charleston and represented the latter in the Senate from 1785. As a partner in the firm of Smith and Darrell, he helped build it into one of the largest and most powerful business establishments in the state. In the legislature, he served on fifty-two committees and as chairman of twenty-five of them, including the committee on Elections and Privileges.

Another Huguenot, John Lewis Gervais, represented Ninety-Six District from 1784 through 1786, although he lived in Charleston. A successful merchant, planter and landowner, he had been a member of the Provincial Congresses and of the Council of Safety. He also served in the Continental Congress. His property had been confiscated, but he recovered by 1789. Gervais served on thirty-four committees, chairing twenty-one
of them.

General John Barnwell, soldier and planter, was the grandson of "Tuscarora John" Barnwell, early Carolina settler and Indian fighter. General Barnwell served during the Revolution as captain of the First Provincial Regiment of South Carolina, was captured in 1780 and remained a prisoner until 1781. He was made a brigadier general in the militia after his release. Representing St. Helena's parish after the War, he served on forty-one committees between 1783 and 1787, as chairman of twenty-four of them. He was elected to Congress in 1784 and again in 1795 but declined to serve both times.

John Lloyd was President of the Senate throughout the 1780's. He had large property holdings in St. Bartholomew's parish. Very little is known about him. His precise role in the Revolution is unknown.

Arnoldus Vanderhorst of Christ Church parish owned land, slaves and a Charleston lot. He had served in the Provincial Congress in 1776 but nothing else is known about his wartime career. While representing Christ Church he served on fifty-one committees, chairing eighteen of them.

Dr. David Oliphant, Senator from St. George's parish, Dorchester, served in the Assembly throughout the 1780's. He had been a member of the Provincial Congress in 1775, and of the Council of Safety. Described as very prominent in the Revolution, he served as director of hospitals for the army. His son, William, a captain in General Moultrie's regiment at the time of the surrender of Charleston, deserted
the American cause and subsequently left South Carolina with the British. The doctor continued his medical and political activities, serving on thirty-five legislative committees during his tenure as Senator.

How did a man become a leader in the Assembly? Judging from the composition of the legislature's "inner circle," several characteristics seem to have been important. Most of the leaders were socially prominent, or became so through marriage, were well educated, usually in the law, and wealthy, or had been before the Revolution. Almost all of them resided in and represented Charleston and the immediate vicinity, although not all of them represented the traditionally conservative point of view of the tidewater area. They had a great deal of political experience and were patriots to a man. Many (especially the members of the House) had fought on the battle line during the Revolution, and at least three of them were military heroes. Nearly all of them had been captured by the British and had been prisoners at St. Augustine. Some had had their property confiscated by the British as well. Others had given financial support to the American cause and were in debt as a result. Such qualifications surely impressed the voters. Here were the elite of South Carolina, ready, willing, and certainly able (as they had proved already) to conduct the state's business.

Obviously a man with property, money, social connections and a good war record already had one foot in the door of the state house. But these advantages were only a start. They may help to explain the rise of Rutledges and Pinckneys but
what of a leader such as Henry Pendleton, who, in the midst of the tidewater cousins, brothers, and in-laws, was an up-country representative, a native of Virginia, not South Carolina, and had no family connections, no tidewater property, no great fortune? Obviously, other qualities were also essential for political leadership, qualities such as education, legal experience, intelligence, and integrity, which Pendleton and others seem to have possessed in good measure. Even a Rutledge or a Pinckney could not have advanced without these qualifications. Wealth and social position may have been initial advantages in a bid for leadership in the legislature, but continuing political success depended upon personal intelligence and initiative. The leaders of the Assembly in the 1780's seem successfully to have combined economic and social advantages with a large measure of natural ability in their bid for political power.
CHAPTER IV
ACCOMPLISHMENTS OF THE LEGISLATURE

The supremacy of the legislature in the government of South Carolina, the process by which men were elected to it, and the men who became its leaders have been discussed. What remains to be determined is what this group accomplished during South Carolina's infant years of independence. What problems faced the legislature in the 1780's and how were they solved? How did the men who had worked together to gain independence work together after independence had been achieved to solve the problems of the post-war society of the fledgling state?

The leaders of the Revolution in South Carolina became the leaders of the legislature in the 1780's. They had destroyed one government and created another, for which they would now be responsible, in its place. These men had shared the common goal of independence; most of them also shared the common background of the aristocratic society of the South Carolina tidewater. These low country men enjoyed a monopoly on leadership for many reasons. Thanks to the authors of the Constitution of 1778 election districts were divided so as to give the low country the largest representation in the legislature. More tidewater men had a chance,
therefore, to serve in the Assembly. They all lived in or near Charleston and so could maintain constant contact with the government and with each other, both in official capacities and personally—as planters, lawyers, merchants, and often, as relatives. Men of wealth, the tidewater representatives had leisure time to devote to politics. Upcountry men, on the other hand, remained isolated from both the capital and their fellow legislators. As small planters they doubtless had to devote far more time to their work than their more affluent low country colleagues.

Traditionally, low country legislators have been portrayed as rich, conservative, opposed to democratic ideas, and determined to retain control of the government established largely through their efforts and with their money. Upcountry men have been characterized as radical, democratic, and impatient with the tidewater aristocrats who controlled everything. South Carolina politics emerge as a great struggle between low country and upcountry, with each area opposing the other on every major legislative issue, and with the low country usually coming out ahead. This is certainly true in part. Many low country men were conservative; many upcountry men tended to be the opposite. Many low country men, particularly those from Charleston and Goose Creek were wealthy aristocrats from old, established families. Izard, Middleton, Manigault, Garden, Smith, Parker, Deas, Rutledge,

---

Pinckney—all are names which conjure up the traditional picture of tidewater affluence and prestige.

Yet for all the closeness of tidewater society, there must have been some lines of communication with the upcountry, for each session of the legislature had some low country men representing upcountry districts. John Lewis Gervais represented Ninety-Six throughout the 1780's, and Aedanus Burke and Pierce Butler were considered spokesmen for the upcountry even though they resided in Charleston and Prince William parish. Similarly, the idea that the low country had the state government "in its pocket" is open to question. This presupposes, at least to some extent, that all low country men shared one view, which was always opposed by all upcountry men. A close study of how all these men solved South Carolina's problems between 1783 and 1787 shows that the situation was not so simple.

The business which occupied the legislature during the first decade of independence was, roughly, of four types. There were the usual legislative problems of taxation and revenue (heightened somewhat by postwar demands), internal improvements, land sales, and Indian relations. There were those problems peculiar to the uprooted, confused postwar society—Loyalists and their estates, British merchants remaining in Charleston, finance, and paper money problems. A major concern was the problem of establishing South Carolina's relationship to the new United States government, illustrated in the boundary dispute with Georgia and the
decisions regarding the regulation of trade by Congress. Finally there were the problems created by a growing society whose center was moving rapidly westward, away from Charleston, and challenging the government to keep pace. The legislature had to meet these changes and demands by providing a new county court system, eventually moving the capital to Columbia, and considering a revision of the state constitution. A study of the progress of the legislation dealing with these problems, particularly the last three, does not refute the traditional theories about South Carolina politics. It does pose some interesting questions not easily answered in the traditional terms.

The greatest postwar problem the legislature faced was what to do about the Loyalists. The first action was taken at the Jacksonborough Assembly in 1782, the first meeting of the state legislature in two years. Elected only by those loyal to the state, the Jacksonborough Assembly was full of members who had been British prisoners or who had had their estates confiscated by the British. Christopher Gadsden, Edward and Hugh Rutledge, Dr. David Ramsay, Benjamin Guerard, Charles Cotesworth Pinckney and William Moultrie had been prisoners at St. Augustine; John Rutledge, C. C. Pinckney, General Francis Marion, Ralph Izard, Nicholas Eveleigh, and John Lewis Gervais had had their estates confiscated by the British. Small wonder they passed "An Act for disposing

---

2 McCrady, South Carolina, 1780-1783. 739-742. Singer, South Carolina, 11, 102-04.
of Certain Estates, and banishing certain persons . . . .” and "An Act for amercing certain persons . . . .” 3 A person who willfully had aided the British, joined their army, or taken their protection after the fall of Charleston either had his entire estate taken away or was fined twelve percent.

These acts were not passed without opposition. Although most legislators agreed that no Loyalist should be allowed to hold public office, some disapproved entirely of confiscating any Tory property. Christopher Gadsden, Francis Marion, and Aedanus Burke, despite their treatment by the British, vigorously opposed confiscation. Gadsden and Burke continued to fight it even after the law was passed. They presented petitions from people on the confiscation lists and requested that the laws be repealed. Charles Pinckney also disapproved, though perhaps for more personal reasons. His father, Colonel Charles Pinckney, had taken British protection in 1780 and subsequently suffered a twelve percent amercement on his estate. 4

These men who opposed confiscation obviously differed with the majority of their colleagues. They also represented some divergent views among themselves. Gadsden, Marion and Pinckney had only their residence in the tidewater in common.

3 Statutes, IV, 516-525.
Gadsden was a famous radical of the Revolution; Marion, the even more famed "Swamp Fox" later served in the very conservative South Carolina Senate; and Pinckney ultimately created the Republican Party in South Carolina, which consistently opposed conservative tidewater policies. Justice Burke, though he lived in and represented Charleston, was considered a leading spokesman for the upcountry, which, it should be noted, had had a good number of Loyalists. In 1784, Burke was appointed chairman of the committee on confiscation petitions, one indication of growing leniency on the question of confiscation, at least in the House. 5

Leniency was the general policy until 1787. Although they could not bring themselves to abolish the confiscation laws entirely, the Assemblymen removed many names from the confiscation lists, changed others to the less severe amercement lists, and expressed concern about families of those whose estates were being confiscated. 6 It would seem that the traditional low country versus upcountry thesis does not apply in the case of confiscation problems. Most members of the legislature felt confiscation was necessary, but the deluge of private petitions the legislature received as a result of its action generally was received favorably. If the men mentioned previously were the only members of the Assembly who opposed confiscation, this is further indication

5 Jan. 29, 1784, House Journal.
of unanimity of opinion. If they are representative of a group, opposition was restricted neither to a particular section of the state nor to a particular political point of view.

Confiscation and amercement affected only a small number of South Carolinians. The economic problems of the postwar decade affected them all. The great financial crisis in South Carolina occurred in 1785, although there were some signs of difficulty as early as 1783, when people expressed reluctance to accept paper certificates, or "indents," as payment from the state. Even some members of the legislature apparently had no faith in the paper. Justice Henry Pendleton refused to accept an indent for his back salary and sued the treasury for payment in specie. The judge finally accepted the indent as payment, but only to avoid causing embarrassment to the House of Representatives.

Apparently the main problem facing the South Carolina community, and particularly the tidewater planters, was an overextension of credit. In an effort to get back on their feet after the War, they accepted whatever terms necessary to obtain credit. British merchants, who had remained in Charleston after the War, were quick to capitalize on the situation, and extended terms at exorbitant interest rates.

---

7 Charles Singer estimates the original list contained about 700 names, many of which were removed later. Singer, South Carolina, 105.

Subsequent crop failures contributed to the general financial decline, making payment of debts impossible. By 1784 the situation had become serious enough to warrant legislative action. In the House on March 11, 1784, Dr. Ramsay, who generally opposed paper money, presented a bill for issuing paper money for payment of taxes. Two days later, the bill, calling for the issue of £73,000 worth of paper certificates was sent to the Senate which promptly rejected it.9

By 1785, the situation had become so serious that Governor William Moultrie called a special session of the legislature. In his message to the legislature, he warned that "hundreds" faced ruin because they could not pay their debts,10 and "in the language of a frightened man" asked the legislature to do something.11

On October 1, 3, and 4, the House heard the report of the committee on the state of the republic. This unusually large committee of fourteen members, representing all areas of the state, had the eminent upcountry jurist, Henry Pendleton, as its chairman. The committee recommended the state issue $100,000 in paper money to be used for such purposes as land purchase and payment of state accounts. On October 11, the bill to "establish a medium of circulation by way of

---

9Mar. 11, 13, 17, 1784, ibid.
10Sept. 26, 1785, ibid.
Loan" went to the Senate where it was passed the same day. The Senate also passed a companion bill, the "Act for regulating sales under executions ...," which provided for payment of debts with land which had to be sold for no less than three-fourths value. This law, which became known as the Pine Barren Act (because creditors often were paid with unproductive tracts of land), and the paper money law doubtless had some opposition in the legislature, but it was not opposition based on sectional considerations. Tidewater planters were just as much or more in debt as upcountry farmers. Whatever debate took place over the bills did not reflect difference of opinion between low country and up-country.

Two issues on which sectional differences would seem likely to have appeared were the questions of moving the state capital and revision of the state constitution, particularly since the first question was settled during the 1780's but the second was not. The House heard a motion for considering moving the capital of the state as early as February 1783, but promptly postponed consideration by a very close vote of sixty-seven to sixty-two. Based on purely numerical considerations, this vote could not have been split on low country versus upcountry lines. Obviously some low country men wished at least to consider the


13 Ibid., 710-712.
question.  

It was not considered again, however, until 1786, when, after some disagreement over details, the House and Senate finally agreed and passed an act for appointing commissioners to purchase land for a new state capital. The commissioners, at least four of whom were House members, were Alexander Gillon, Richard Winn, Richard Hampton, Thomas Taylor, and Justice Pendleton. All except Gillon represented upcountry districts.  

Once the matter of moving the capital was taken up, it would seem it was done with a minimum of opposition. Only two roll call votes on the question appear in the House minutes, and the Senate, which usually could be counted on to object strenuously to any change in the status quo, raised very few objections before passing the bill. Since the commissioners were almost all from the upcountry, and Gillon was considered a radical in the low country, it seems reasonable to assume that the low country conservatives did not object to the measure or they would have tried at least to influence the appointments of the commissioners. John Faucheraud Grimke, who, as Speaker of the House probably made the appointments, was himself a Charleston representative.

14 Feb. 18, 19, 1783, House Journal.
16 Mar. 16, 1786, ibid.
The legislature settled the question of moving the capital by 1786. It would not settle the problem of revising the Constitution until 1790. The years between 1783 and 1787 were marked by a continuing struggle over this question. Generally considered to be an upcountry proposal, it is interesting to note that the subject first was introduced in the House in 1783 by Christopher Gadsden, Charleston merchant, leading Revolutionary radical, and former spokesman for Charleston's working classes.17

No action was taken on the proposal until February 1784, when both the House and Senate appointed committees to study the problem jointly. General Gadsden was chairman of the House committee; other members were Charles Cotesworth Pinckney, probably representing St. George, Dorchester, and Colonel Robert Anderson of Ninety-Six District. The committee represented tidewater liberal, tidewater conservative, and upcountry views. The Senate chose Paul Trapier, General John Barnwell and Dr. David Oliphant for its committee. These men were Senate leaders and represented low country parishes outside Charleston. Committee appointments probably were made by Speaker of the House Hugh Rutledge and Senate President John Lloyd, both low country men.18 The committees reported, suggesting a convention be called, with members elected by the people of South Carolina. No arrangements

---

were made for such an election. 19

This same pattern of appointing committees, hearing their reports then doing nothing about them, continued for the next three years. Petitions requesting constitutional revision came from the upcountry districts with increasing frequency after 1784. They were handed over to committees and remained unheeded. In 1785, the House did take some action, when it debated the question. A motion was made to change the meeting place of the proposed convention from upcountry Camden to Charleston. This was defeated 68 to 44. The House then sent a report to the Senate, which disagreed with it and returned it to the House. 20

By 1787, the situation seemed hopeless. When the House finally agreed on something, the Senate disagreed with the House. Committees appointed during one session were replaced during the next. No clear-cut division of opinion between low and upcountry seems to have existed. Those in favor of revision apparently could muster enough support to introduce discussion of the problem but not to secure acceptance of any plan of revision. Here the situation stood when the legislative upheaval of 1787 began.

Until the session of 1787, the legislature followed a fairly predictable course. Committees which handled routine business were small—usually three members. There were very


few roll call votes in the House and almost none in the Senate. When a roll call vote was demanded, it concerned some very important issue such as repeal of the confiscation act or regulation of trade by Congress.

In 1787 the entire picture changed radically. A routine upcountry request to open a river to navigation went to a seven man committee, as did several private petitions for claims against the state. For several weeks the usual practice of referring each of the petitions for building roads, ferries, and bridges to a separate three man committee was abandoned. All of these petitions were sent instead to an eleven member grievance committee (whose chairman, it should be noted, was Pierce Butler, the tidewater maverick who frequently opposed the interests of his low country colleagues). 21

The most significant change, however, was the overwhelming increase in the number of roll call votes in both houses of the Assembly. Nothing of importance was decided during the 1787 session without prolonged debate and roll call votes. In the Senate, decisions frequently were made on the basis of a single vote, often cast by the President to break a tie. Even seemingly minor matters sometimes were put to a roll call vote. On February 21, 1787, for example, the House roll was called on a bill to incorporate a group named the Friendly Hebernian Society. (The Hebernians went

down to defeat 96 to 28.\(^{22}\)

There seems to be no pattern in these roll call votes. On the question of constitutional revision, which was stalemated when the 1787 session began, the coalitions of proponents and opponents must have shifted frequently. On March 14, 1787, after spending considerable time on debate, the House heard a motion to postpone further discussion. A roll call vote on this motion was requested by General Thomas Sumter of the upcountry district east of Wateree. It was defeated 93 to 32, largely by upcountry votes. Discussion continued, specifically on the meeting place of the convention. Charleston was suggested, which brought another roll call request by another upcountry representative, Minor Winn. Charleston was chosen by a vote of 65 to 62. Some low country representatives must have voted with the upcountry against the measure.\(^{23}\)

The next day discussion centered on the method of electing delegates to the convention. Colonel Richard Lushington's request brought a roll call vote. The committee report, recommending popular election of delegates, was favored by 37 low country representatives and by 34 from the upcountry. Forty-three low country and 26 upcountry members opposed it. Among those in favor of the report were John and Edward Rutledge, Aedanus Burke, and Dr. Peter Fayssoux. Burke's

\(^{22}\)Feb. 21, 1787, ibid.

\(^{23}\)Mar. 14, 1787, ibid.
previous legislative record and his views on confiscation hardly would place him in the Rutledge camp. C. C. Pinckney, on the other hand, was firmly in league with the Rutledges, yet he opposed the measure. Although twice as many low country representatives as upcountry members opposed the measure, the number from each area who supported it was nearly the same, and the yeas and nays within each group were very closely divided, 37 to 43 and 37 to 26. The House accepted the report 71 to 64 and sent it to the Senate. The Senate disagreed with several points and postponed consideration "until the following week." The following week came and went, and the rest of the 1787 session passed with no further discussion of the question of the constitutional convention.

Another subject of controversy was the petition of William Bull, who had been lieutenant governor before the Revolution, asking for relief from the Confiscation Act. Both houses appointed four-member committees to consider it. The House group was fairly representative, as usual; the Senators were from tidewater parishes. The Senate moved, on February 8, to accept the Bull committee report, which was favorable to the former governor. The vote had been tied nine to nine, and was broken in favor of the report by

---

24 Mar. 15, 1787, *ibid.* The clerk of the House listed the individual votes, then made a final tally. In this case, he recorded a final vote of 71 yeas and 64 nays. When we tallied the votes separately, we counted 68 nays.


26 Feb. 2, 1787, *ibid.*
President Lloyd. Here was a question on which low country men did not agree. With the full membership present, they could have outvoted upcountry senators eighteen to eleven, if they had agreed among themselves. Their votes show they did not. Daniel DeSaussure and Dr. David Oliphant voted yes. Two other Senate leaders, also from the low country, John Barnwell and Daniel Bourdeaux, voted no.27

When the House took up the petition, there was one nay vote from Charleston, fourteen nays from the rest of the low country, and 35 nays from the upcountry. The committee report was accepted 61 to 49. Later, a bill to exonerate Bull was passed 75 to 40 with almost every low country member voting yes and every upcountry man voting no. The Senate followed suit and voted 18 to six in favor of Bull.28

One issue on which a somewhat clearer voting pattern emerged was the question of public salaries. The low country favored higher salaries than the upcountry. The important point here is that while there was a definite division between low and upcountry on the matter, the final votes often were very close—close enough that those favoring lower salaries occasionally could tip the scales in their favor. For example, the motion for a £1,000 salary for the governor was defeated 63 to 54 with eighteen out of 65 low

27Feb. 8, 1787, ibid.
country members voting no and only seven out of 51 upcountry men voting yes. Conversely, a proposal to increase the salary of the commandant of Fort Johnson was defeated by a vote of 55 to 48, even though the low country was largely in favor of it, as it had been in the governor's case. The upcountry cast 45 votes against the salary proposal and only two votes favoring it.29

In the Senate, the votes were even closer. After voting eleven to six to increase the salary of the commandant, a motion which all the leaders favored, the Senate voted to increase the Governor's from £800 to £1,000, but only when the President broke the tie and the motion passed ten to nine.30 In short, although the low country's control of key positions in the legislature remained absolute, its control over the passage of legislation did not.

The great question is what caused the obvious change in the legislature in 1787? Why were differences conspicuous, on small issues as well as on the important matters? Why had this spirit of controversy not manifested itself earlier during the financial crisis of 1785 or in the establishment of the county courts or the move to change the state capital? Had common necessity prevented dissension? This may have been true during the financial crisis, but it would not necessarily have been so for the establishment of courts or

29 Feb. 2, 3, 1787, ibid.
30 Feb. 9, 15, 1787, Senate Journal.
changing the state capital. Or had there been no real challenge of the Assembly's leadership before 1787? The roll call votes on various questions during the 1787 session show that the low country, even without full representation, usually had an advantage—a slight one, perhaps, but enough to carry the vote on important matters. Had the low country majority been greater before 1787? If so, what reduced it that year? Numerical representation remained the same. Whatever challenge there was must have come from within the low country membership itself, or from a coalition of low country and upcountry men. Either theory is plausible. But the real division may be less a matter of low country versus upcountry and more a matter of conservative versus moderate. By the time the new federal government was in operation, the low country housed what have been described as "arch Federalists" and "moderate Federalists." \(^{31}\) It seems reasonable to assume that these future coalitions were beginning to form in the state legislature two years earlier. The Goose Creek planters who became arch-Federalist leaders were also active in the legislature and by 1787 were leaders in the House. Ralph Izard, the future leader of this group was important in the House throughout the 1780's.

Whatever the reasons, several changes are evident. By 1787, the old coalitions were being challenged, possibly by an arch-conservative low country group. These changes were

---

\(^{31}\)Rogers, *Smith of Charleston*, Chapter VIII.
evident even in the usually conservative, uniform Senate, whose leaders by 1787 were also seeing their power challenged. The low country still had the upper hand, but its administration of legislative affairs was being questioned seriously if not challenged successfully by a group whose views, it would seem, were based on political as well as geographical considerations.
BIBLIOGRAPHY

Manuscript Sources

Journal of the House of Representatives of South Carolina 1783-1787. Microfilm copy obtained from the University of North Carolina Library, Chapel Hill, North Carolina.

Journal of the Senate of South Carolina 1783-1787. Microfilm copy at the University of North Carolina.

Printed Sources


O'Neill, John Belton. *Biographical Sketches of the Bench and Bar of South Carolina: to which is added the Original Fee Bill of 1791. With the Signatures in Facsimile. The Rolls of Attorneys Admitted to Practice, from the Records at Charleston and Columbia, etc., etc.* 2 Vols. Charleston, 1839.


VITA

Angeline Polites


In September, 1964, the author entered Bryn Mawr College, Bryn Mawr, Pennsylvania as a graduate student in the Department of History.