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ARTICLES

- J. D. B. De Bow's South Carolina: The Antebellum Origins of the New South Creed  
by John F. Kvach 4
- Residency and Enrollment: Diaspora and the Catawba Indian Nation  
by Mikaëla M. Adams 24
- "Though He Had a White Face, He Was a Negro in Heart": Examining the White  
Men Convicted of Supporting the 1822 Denmark Vesey Slave Insurrection  
Conspiracy  
by Philip F. Rubio 50
- Making Their Way in the New South: Jewish Peddlers and Merchants in the  
South Carolina Up Country  
by Diane C. Vecchio 100
- Maroon and Slave Communities in South Carolina before 1865  
by Tim Lockley and David Doddington 125
- Booker T. Washington in South Carolina, March 1909  
by David H. Jackson Jr. 192
- Hastening the Demise of Federalism in the Low Country: South Carolina's  
Congressional Gerrymander of 1802  
by Thomas Rogers Hunter 221
- "The Sly Mendacity of Hints": Preston Brooks and the War with Mexico  
by Kenneth A. Deitreich 290
- Family Practices and Domestic Problems in a Transatlantic World: Reconstructing  
the Curious Case of Maria Alston  
by Richard Campbell 315

NOTES AND DOCUMENTS

- The Slave Catherine and the Kindness of Strangers?  
by Philip N. Racine 146

- BOOK REVIEWS 68, 157, 257, 338
- ARCHIVES AND LIBRARIES UPDATE 86, 175, 273, 356
- NEWS 93, 183, 278
- INDEX, VOLUME 113 363

# FAMILY PRACTICES AND DOMESTIC PROBLEMS IN A TRANSATLANTIC WORLD: RECONSTRUCTING THE CURIOUS CASE OF MARIA ALSTON

RICHARD CAMPBELL\*

NINETY YEARS AGO, THIS MAGAZINE CARRIED AN ESSAY BY D. E. Huger Smith recounting the story of the Nisbetts, a family of Scottish aristocrats with significant landholding interests in eighteenth-century South Carolina.<sup>1</sup> On November 15, 1797, Sir John Nisbett of Dean married Maria Alston, the eldest child of wealthy rice planter Colonel William Alston of Clifton.<sup>2</sup> Smith could say little of what happened to the couple. His conclusion was that the Nisbett connection to South Carolina ended with a reference to Maria in her father's will of November 1838. In this he was strictly correct, as there were no surviving children of the marriage and the baronetcy had become extinct with Sir John's death a decade earlier. However, Smith did not uncover the true nature of the marital relations between Sir John and Maria.<sup>3</sup> In short, the couple's relationship rapidly broke down and became one of the rare instances for the period of a publicly failed marriage, evidenced to the world by their physical separation and the series of legal arrangements and court proceedings that followed. Developed from a range of original American and British sources, the intriguing story of the marriage and its consequences can now be told. Maria's curious case provides a new perspective on the family practices of the planter "aristocracy" of the Carolina low country, including the role of women and children and the limitations of the power of the slave-owning patriarch.

The significance of the family in colonial South Carolina has long been recognized by historians. Like other frontier societies, its primacy originated from transatlantic kinship networks and high mortality rates among early

\* Richard Campbell is a doctoral student at King's College London. He wishes to thank Susan Campbell for her research assistance and the anonymous reviewers of the *South Carolina Historical Magazine* for their comments.

<sup>1</sup> D. E. Huger Smith, "Nisbett of Dean and Dean Hall," *South Carolina Historical and Genealogical Magazine* 24 (January 1923): 17-29 (the *South Carolina Historical and Genealogical Magazine* is hereinafter cited as *SCHGM*).

<sup>2</sup> "Marriage and Death Notices from the City Gazette," *SCHGM* 24 (July 1923): 76. For a summary of William Alston's life, see the entry for him in N. Louise Bailey and Elizabeth Ivey Cooper, eds., *Biographical Directory of the South Carolina House of Representatives*, vol. 3, 1775-1790 (Columbia: University of South Carolina Press, 1981), 35-38.

<sup>3</sup> It is no criticism of Smith that details of the marriage eluded him. Even with the modern advantages of the Internet and computerized search engines, the extant sources are highly fragmented.

European settlers, but towards the end of the eighteenth century, the family institution took on a distinctive local hue. Through intermarriage, the most prominent economic and political groups in South Carolina gradually coalesced into a single planter class. According to George C. Rogers Jr., "Marriage was the cement of the new society. The importance of family in the society and culture of Charleston cannot be overestimated."<sup>4</sup> In this context, Rogers's comment pertains to not only the city of Charleston but also the wider low country. Across the region, in the words of another scholar, "The family group has been at once the source of social and political strength."<sup>5</sup>

The place of women within this culture was well defined. A daughter was expected to become a wife and a mother. As the author of one study characterizes it, she existed "to love, honor [and] obey . . . her husband, to bring up his children and manage his household."<sup>6</sup> Reality may have fallen short of the ideal, but women had an essential function as "keepers of the culture" and "the 'conscience' of plantations."<sup>7</sup> In line with the long-established custom, a woman's legal personality was subsumed within that of her husband upon marriage. In return, the man had a duty to maintain his wife. Originally conceived as an indissoluble union, changing attitudes toward marriage in the United States led some northern states to introduce divorce legislation by the early nineteenth century, and several states in the South soon followed suit.<sup>8</sup> South Carolina was not one of them, however. As related by one jurist at the time, the South Carolina General Assembly did not grant divorces because it considered the dissolution of marriage to be a judicial power, yet it refused to sanction the law courts to award divorces so as "to shut that door to domestic discord, and to gross immorality in the community."<sup>9</sup>

<sup>4</sup> George C. Rogers Jr., *Charleston in the Age of the Pinckneys* (Norman: University of Oklahoma Press, 1969), 23.

<sup>5</sup> Edward McCrady, *History of South Carolina under the Proprietary Government, 1670-1719* (New York: MacMillan Company, 1897), 12. Lawrence Fay Brewster makes the shrewd observation that the low country was not merely a geographical location, but a way of life and state of mind. See Brewster, *Summer Migrations and Resorts of South Carolina Low-Country Planters* (Durham, N.C.: Duke University Press, 1947), v.

<sup>6</sup> Anne Firor Scott, *The Southern Lady: From Pedestal to Politics, 1830-1930* (Chicago: University of Chicago Press, 1970), 4.

<sup>7</sup> Catherine Clinton, *The Plantation Mistress: Woman's World in the Old South* (New York: Pantheon Books, 1982), xv.

<sup>8</sup> Jane Turner Censer, " 'Smiling through Her Tears': Ante-Bellum Southern Women and Divorce," *American Journal of Legal History* 25 (January 1981): 26.

<sup>9</sup> Henry William Desaussure, *Reports of Cases Argued and Determined in the Court of Chancery of the State of South-Carolina, from the Revolution to December, 1813, Inclusive* (Columbia, S.C.: Printed by Daniel and J. J. Faust, 1817), 2: 646n (hereinafter cited as DER, 1817). Except during Reconstruction, the prohibition on divorce lasted throughout the nineteenth century. See McCrady, *History of South Carolina*, 11-12.

The prohibition on divorce in South Carolina can be viewed as part of the planters' more general opposition to social change. It was "a rigid means of upholding the patriarchal structure which had served as the essential underpinning for both the family and slavery," writes Janet Hudson.<sup>10</sup> No one invested more in these twin institutions than the Alston family. John Alston, Maria's great-great-grandfather, arrived in the Carolina colony as an indentured servant from England in 1682.<sup>11</sup> From this modest beginning, his descendants had prospered. The essential factor in their rise was business acumen applied to the plantation system. A hundred years later, the family's fortunes were at their zenith, which produced an opulent lifestyle epitomized by William Alston's purchase in 1791 of the prestigious Miles Brewton mansion on King Street in Charleston.<sup>12</sup> As a public expression of the importance of the lineage, William drew extensively on his family heritage as well as that of both of his wives when naming their offspring.<sup>13</sup> William's children grasped the significance of marriage in carrying on the Alston legacy too—only one of the eleven who lived beyond the age of twenty never wed.<sup>14</sup>

It was against this background that Maria's marriage to Sir John took place in Charleston on that fateful November day in 1797. An account of the wedding by Harriott Lucas Pinckney suggests that even though the

<sup>10</sup> Janet Hudson, "From Constitution to Constitution, 1868–1895: South Carolina's Unique Stance on Divorce," *South Carolina Historical Magazine* 98 (January 1997): 76 (the *South Carolina Historical Magazine* is hereinafter cited as SCHM).

<sup>11</sup> A. S. Salley Jr., "John Alston," *SCHGM* 6 (July 1905): 114–116.

<sup>12</sup> George C. Rogers Jr., *The History of Georgetown County, South Carolina* (1970; repr., Spartanburg, S.C.: Reprint Company, 2002), 319.

<sup>13</sup> Alston's three sons by his first wife were named after his father (Joseph), his wife's father (John Ashe), and probably his grandfather (William), while their youngest daughter (Charlotte) was named after his mother. Maria's name may have been intended as a variation on her mother's name, Mary. Names for the children from Alston's second marriage were frequently drawn from the Motte and Pinckney families, to whom his second wife was related. George C. Rogers Jr. comments that by the early nineteenth century, parents were giving their children three names rather than two as had previously been the case, with the middle name often recognizing the mother's lineage or an illustrious ancestor. See Rogers, "Who Is A South Carolinian?" *SCHM* 89 (January 1988): 7. That the Alstons were beginning to observe this practice by the 1780s suggests they were well in tune with the latest fashions.

<sup>14</sup> This was Maria's eldest half-brother, Thomas. His unwed condition may explain why he has been overlooked by chroniclers of the family. A typescript of a lost manuscript entitled "Family of William Alston" records the births of all of William's children and other family events before 1812. See Deas Family Papers and Research, 1766–1976, South Carolina Historical Society, Charleston (hereinafter cited as DFPR). Other references to Thomas (as distinct from Maria's younger brother Thomas Pinckney) can be found in Arney R. Childs, ed., *Rice Planter and Sportsman: The Recollections of J. Motte Alston, 1821–1909* (1953; repr., Columbia: University of South Carolina Press, 1999).

actual ceremony was relatively modest and attended by only twenty-six guests, no expense was spared in celebrating the union. There was "a very elegant supper" following the ceremony, and after a "rest day," a second "very fine supper & Ball with 65 people" lasted late into the night. At the end of the month, Pinckney wrote, "Lady Nisbet [*sic*] is to be the mistress of it [another grand ball]."<sup>15</sup>

It is probable that Maria first met Sir John in the social swirl of Charleston. As one memoir recalled, the height of the social season was in February, when those "who could afford it and loved that kind of dissipation, flocked to the city to enjoy the balls, theatre and races and have the good time of their lives."<sup>16</sup> A breeder of champion horses and racing enthusiast, William Alston and his close relatives were prominent during race week, the most important society event on the calendar.<sup>17</sup> At the 1796 meeting of the South Carolina Jockey Club, Sir John rode his own horse to defeat in a match race against John Randolph of Roanoke. Even so, some ladies exclaimed that he "*had won their hearts*," which was scarcely a surprise given his "elegant form and graceful style of riding." Away from the race course, Sir John was described as "a very handsome man, and as '*gallant, gay Lothario*,' as could be found in the city." His uncle referred to him as "a perfect Adonis."<sup>18</sup> Possibly Sir John's gallantry and good looks were enough to attract Maria's attention, but the prospect of becoming "Lady Nisbett" doubtless added to his appeal. As a contemporary noted, Charleston "was the most aristocratic city in the Union. . . . There was a complete nobility in every thing [*sic*] but the title, and a few with that appendage."<sup>19</sup> Sir John's interest in Maria in the light of his subsequent behavior is less easy to discern. For him the marriage may have been a love match, but any infatuation was at best short-lived. Although the owner of extensive properties on both sides of the Atlantic, he

<sup>15</sup> Harriott Lucas Pinckney to [Mrs. Thomas Pinckney], November 24, 1797, Thomas Pinckney Papers, 1750-1828, South Caroliniana Library, University of South Carolina, Columbia.

<sup>16</sup> Mary Hickcox Memoirs, ca. 1900, South Carolina Historical Society. Hickcox recorded her grandmother's recollections of the 1790s.

<sup>17</sup> A Scottish visitor to the city in this period wrote that "nothing is talked of but amusement" during the February race week, a time of "grand display" and lavish expenditure. See Raymond A. Mohl, ed., "The Grand Fabric of Republicanism: A Scotsman Describes South Carolina, 1810-1811," *SCHM* 71 (July 1970): 186. John Beaufain Irving added that race week was "the *carnival* of the State, when it was *unpopular*, if not *impossible*, to be out of spirits, and not to mingle with the gay throng." Irving, *The South Carolina Jockey Club* (Charleston, S.C.: Russell and Jones, 1857), 11.

<sup>18</sup> Ebenezer S. Thomas, *Reminiscences of the Last Sixty-Five Years, commencing with the Battle of Lexington* (Hartford, Conn.: Case, Tiffany and Burnham, 1840), 1: 57; Smith, "Nisbett of Dean," 24.

<sup>19</sup> Thomas, *Reminiscences*, 1: 33. "Sir John Nesbitt, Baronet" is included in Thomas's list of titled Charleston residents.

appears to have been chronically short of money for much of his life. Access to the Alston wealth and Maria's dowry of fifteen hundred pounds would have been very welcome.<sup>20</sup> The importance of the exchange of American money for British titles should not be over emphasized, but the nature of Charleston society and Sir John's free spending are strong evidence that this reciprocation may have played some part in bringing the two together.<sup>21</sup> Another explanation, albeit one published nearly a century after the event, attributes to Sir John the remark that he only became engaged when "in a state of inebriation and felt himself in honor bound to marry her [Maria]."<sup>22</sup>

Whether initially fueled by alcohol, avarice, or a combination of both, Sir John's ardor for Maria quickly cooled. In June 1798, barely six months after the wedding, he departed America alone supposedly to attend to "his pecuniary concerns in England." He never returned. Maria's letters to him were ignored, and as there was no provision for her maintenance, "she sought & obtained an asylum in her father's house."<sup>23</sup> Even the birth of a son and heir in November 1798 named John Nisbett did not entice the father back. With the child's death in January 1802, Maria was finally prompted to follow her husband across the ocean.<sup>24</sup> Sir John's desertion and then the

<sup>20</sup> For the reference to Maria's dowry, see *Sir John Nisbett's Trustees v. Nisbett and Others*, in *The Scottish Jurist, containing Reports of Cases Decided in the Supreme Courts of Scotland, and in the House of Lords on Appeal from Scotland, Etc.*, vol. 7 (Edinburgh: M. Anderson, 1835), 251.

<sup>21</sup> Richard W. Davis examines the marital exchange of American money for British titles. See Davis, "We Are All Americans Now! Anglo-American Marriages in the Later Nineteenth Century," *Proceedings of the American Philosophical Society* 135 (June 1991): 140-199. He believes that this phenomenon has been "vastly exaggerated," although his app. B (entitled "American Marriages into the Families of Baronets, 1780-1914") does not include the Alston-Nisbett union.

<sup>22</sup> Benjamin F. Perry, *Biographical Sketches of Eminent American Statesmen with Speeches, Addresses and Letters* (Philadelphia: Ferree Press, 1887), 388. Perry, who does not mention the source of this anecdote, understandably found it "a strange notion of honor" that compelled Sir John to marry under such circumstances and then to think "his honor did not bind him to live with her [Maria]."

<sup>23</sup> "Interesting Decree," *Southern Patriot, and Commercial Advertiser* (Charleston, S.C.), March 16, 1816. After a very short introduction, the newspaper carried verbatim the judgement of March 9, 1816, Charleston District Court of Chancery Decrees, 1812-1821, vol. 3, pp. 164-166, series L10092, South Carolina Department of Archives and History, Columbia. For brevity and convenience, only the newspaper reference will be given in subsequent citations to the judgement. Regarding Sir John's intentions, a notice in the *City Gazette and Daily Advertiser* (Charleston, S.C.) of October 29, 1798, shows that he did not sail directly to England. Rather the ship in which he travelled dropped him at Lisbon before continuing on its way to London, suggesting that the plea of "pecuniary concerns" was a ruse from the first.

<sup>24</sup> Joseph A. Groves and John Burke are authorities from either side of the Atlantic who wrongly recorded the marriage as without issue. See Groves, *The Alstons*

death of their son left Maria in an unenviable situation: financially, she was reliant on her father; socially, she had neither a child to rear nor a household to manage; and in the eyes of the law, she was hamstrung by her lack of legal personality. Maria's predicament is illuminated in a later observation made by Aaron Burr to his daughter Theodosia, who had married Joseph Alston, Maria's younger brother, in 1801. Perhaps unconsciously, Burr associated Maria with a new acquaintance, "a widow from St. Domingo; *sans argent et sans enfants*. Without a single good feature, she is very agreeable. She is nearly the size and figure of Lady Nesbet [*sic*]." <sup>25</sup> The widow's physical similarity to Maria was mirrored in their shared status without money or children.

It seems from several references to Maria in the Burr-Theodosia correspondence that the two women were initially good friends. Charlotte Alston, Maria's younger sister, also was part of this circle, which shows how sisters of a similar age formed especially tight relationships within the family group. <sup>26</sup> After the death of Maria's son, Burr wrote to Theodosia about the importance of giving the mourning young woman "some motive for enduring existence. If no other can be shown, at least she can be persuaded that she is necessary to you." Soon afterwards, he regretted that "[L]ady N[isbett] did not come to town, believing that you only could console her; . . . you could restore the tone of her mind." Burr wanted to revive talk of "the project," a proposed journey to Europe in pursuit of Sir John that was mooted before the child's death. The "nearer view," Burr asserted, would allow a "more accurate estimate" of affairs. "What! Is she to wear out her youth and beauty, dissipate her talents, and exhaust her spirits without an

*and Allstons of North and South Carolina: Compiled from English, Colonial and Family Records, with Personal Reminiscences, Also Notes of Some Allied Families* (Atlanta, Ga.: Franklin Printing and Publishing Company, 1901), 79; Burke, *A General and Heraldic Dictionary of the Peerage and Baronetcy of the British Empire*, 4th ed. (London: Henry Colburn and Richard Bentley, 1832), 2: 228. The child John is buried in the Alston cemetery at the Oaks Plantation (now part of Brookgreen Gardens near Murrells Inlet); the gravestone records Maria's affliction at his death. For a contemporary reference to the child, see Smith, "Nisbett of Dean," 26.

<sup>25</sup> Aaron Burr to Theodosia Burr Alston, May 23, 1805, in Matthew L. Davis, *Memoirs of Aaron Burr, with Miscellaneous Selections from his Correspondence*, vol. 2 (New York: Harper and Brothers, 1837), 371.

<sup>26</sup> Lorri Glover makes the general observation that "the most important and longest-lasting female connections existed between sisters, who enjoyed remarkably close relationships." See Glover, *All Our Relations: Blood Ties and Emotional Bonds among the Early South Carolina Gentry* (Baltimore: Johns Hopkins University Press, 2000), 61. For a specific example of Theodosia's affection towards Maria and Charlotte, see her letter to Joseph Alston of August 6, 1805, in Davis, *Memoirs of Aaron Burr*, 2: 439-440.



object in life or a place in society? Without enjoyment, without distinction?" he questioned.<sup>27</sup> The ever-active Burr felt that matters needed to be resolved.

In view of these circumstances, a previously unattributed letter initialed "M. N." from April 1802 and addressed to "Mrs. Joseph Alston" can be identified as having been written by Maria. Apparently, nothing else from her pen has survived the century and a half since her death, so this missive provides the only open window into her character. Addressing Theodosia as "my beloved sister," Maria wrote of their "poor dear Mother," who was seriously ill. Drafted a little more than three months after the death of her son, the letter exhibits an understandably agitated tone. "My mind is in such a state," Maria confessed. However, she trusted that "the goodness of one Divine Providence" would see her mother revived. Along with attesting to her religious convictions (God is invoked on three other occasions in the short, two-page letter), Maria illustrates a considerable love for Theodosia. This affection likely was magnified by the latter's advanced state of pregnancy and explains the exhortation that Theodosia "take care of yourself. I am wretched about you." Maria continued, "Do not let your husband leave you. . . . at such a time." Knowing that Sir John deserted Maria during her own pregnancy gives the passage added poignancy. Overall, the letter makes evident how much these close relatives cared for each other.<sup>28</sup>

"The project" mentioned by Burr originally envisaged Theodosia and probably others travelling to Europe with Maria. As it happened, the summer of 1802 found them all in New York as Theodosia recuperated after the birth of what would prove to be her only child.<sup>29</sup> It was not until the following year that Maria finally set out for Great Britain, and she appears to have gone alone. Upon her arrival, the signs for reconciliation with Sir John were at first encouraging, and the couple took up residence together

<sup>27</sup> Aaron Burr to Theodosia Burr Alston, February 21 and March 14, 1802, in Davis, *Memoirs of Aaron Burr*, 2: 176, 188.

<sup>28</sup> M. N. [Maria Nisbett] to Mrs. Joseph Alston, April 26, 1802, box 630, folder 2, Alston-Pringle-Frost Papers, 1693–1990, South Carolina Historical Society (hereinafter cited as APFP). The initials of the writer taken with the references to Theodosia (an only child) as her "sister" and to their "mother" make Maria the only possible author of such a letter at this date. Mary Brewton Motte Alston was actually Maria's stepmother, but she and Theodosia appear to have regarded her affectionately. Each had lost their natural mother when young, and Mary was herself only a few years older than them.

<sup>29</sup> Maria, Burr, Theodosia, and her newborn son (Aaron Burr Alston) arrived in New York on June 23. By the next month, William and Mary B. M. Alston together with Charlotte had joined them. See Aaron Burr to Natalie [Delage], July 4, 1802, in Davis, *Memoirs of Aaron Burr*, 2: 206; Burr to Joseph Alston, July 19, 1802, in *ibid.*, 208. For other peregrinations that summer and fall, see Milton Lomask, *Aaron Burr: The Years from Princeton to Vice President, 1756–1805* (New York: Farrar Strauss Giroux, 1979), 327–329.

in London. But he refused to share the household's considerable expenses and, according to a subsequent court finding, "carried on an unchaste and unlawful commerce with divers[e] loose women." When Maria sought a contribution toward the cost of running the house, he reacted by going "into the country with a certain Madame Ximenes of loose character." Her mission a failure, Maria returned to America after six months.<sup>30</sup>

In the succeeding years, Maria seems to have found no satisfactory purpose in life, and by August 1809, she was seriously contemplating another visit to England. Theodosia, who by this time sounds relieved to be "no longer in confidence," noted that "this project meets with great opposition, of course."<sup>31</sup> Undoubtedly a reference to other family members, it is fair to assume that these opponents included William Alston. His original attitude toward the marriage is unrecorded.<sup>32</sup> Against Sir John was his classification as a British subject, which had resulted in the confiscation of his property in South Carolina near the end of the Revolutionary War. Indeed, Alston had been a member of the Jacksonborough Assembly that made this determination, though the decision was subsequently reversed.<sup>33</sup> In favor of Sir John was the social status he brought from a titled family with substantial landholdings in the state. A match between Sir John and his eldest daughter would advance the family's prestige, something about which Alston was very conscious. In addition to drawing on the names of esteemed ancestors for his children, he had gone so far as to adjust the spelling of the surname to differentiate his branch of the family from the rest of the extensive Allston clan.<sup>34</sup> The use of a coat of arms gave greater

<sup>30</sup> "Interesting Decree."

<sup>31</sup> Theodosia Burr Alston to Aaron Burr, August 1, 1809, in Matthew L. Davis, ed., *The Private Journal of Aaron Burr, during his Residence of Four Years in Europe; with Selections from his Correspondence* (New York: Harper and Brothers, 1838), 1: 285.

<sup>32</sup> Julian Stevenson Bolick says that the marriage pleased Colonel Alston "very much," but cites no evidence or reference in support. See Bolick, *Waccamaw Plantations* (Clinton, S.C.: Jacobs Press, 1946), 25.

<sup>33</sup> Smith, "Nisbett of Dean," 22–23; Kathryn Roe Coker, "Absentees as Loyalists in Revolutionary War South Carolina," *SCHM* 96 (April 1995): 124–125.

<sup>34</sup> A popular explanation holds that William dropped the second *l* from his surname during the Revolutionary War to avoid confusion with a second cousin of the same name. In fact, he still signed himself "Allston" as late as 1787, six years after the cousin's death, while the first evidence of the change in spelling dates from 1792. See *Indented Certificates*, February 9, 1784, January 4, 1785, *Accounts Audited of Claims Growing Out of the Revolution*, files 95 and 96, series S108092, South Carolina Department of Archives and History (for samples of William's signature to 1787); Richard N. Côté, *Mary's World: Love, War, and Family Ties in Nineteenth-Century Charleston* (Mount Pleasant, S.C.: Corinthian Books, 2007), 31–32 (for the spelling in 1792). See also Henry A. M. Smith, "The Baronies of South Carolina: Hobcaw Barony," *SCHGM* 14 (April 1913): 69.

social luster to his vast wealth. Another recommendation for Sir John in Alston's mind was the prospect that his daughter and son-in-law would settle down at the latter's plantation, Dean Hall, in Saint John's Berkeley Parish and remain part of the local milieu. And, of course, William and Sir John shared a common interest in horse racing.<sup>35</sup>

In understanding the planter family as a patriarchy, it would be tempting to imagine William Alston wielding virtually untrammelled authority over his children, and this assumption would be all the more inviting if a direct connection is made between his roles as the head of the family and one of the largest slave owners in South Carolina. However, the position of the patriarch was more complex than such generalizations imply. A distinction can be noted here between the upbringing of William's eldest son, Joseph, and their cousin Robert F. W. Allston. Cousin Robert was sent to the U.S. Military Academy at West Point in order to instill the discipline his side of the family considered necessary to become a successful planter. "No one can command unless he has first learned to obey" was the advice of an aunt to his mother.<sup>36</sup> A very different course was pursued with Joseph. He later recalled that as part of his education, "on every occasion, however important, I was left to decide for myself; I do not recollect a single instance where I was controlled even by advice; for it was my father's invariable maxim, that the best way of strengthening the judgment was to suffer it to be constantly exercised."<sup>37</sup> Excellent preparation for a future plantation master, this kind of independent spirit would have been less welcome when manifested in domestic affairs, especially as an example for daughters of the family to follow when they felt their own crucial interests were at stake. Theodosia, therefore, perceived that the opposition to Maria's plan for a second attempt at reconciliation with Sir John was apt to be unavailing. "I suspect victory will declare for L[ady] N[isbett]," she wrote at the beginning of August 1809.<sup>38</sup> Theodosia was correct, and within the month, she reported, "L. N. has gone to England again!"<sup>39</sup> Maria's behavior was one of several instances when William Alston's word was not final in such mat-

<sup>35</sup> In 1798 Alston gave Sir John a horse he had bred called "Ludee." Irving, *South Carolina Jockey Club*, 8.

<sup>36</sup> Elizabeth W. Allston Pringle, *Chronicles of Chicora Wood* (New York: Charles Scribner's Sons, 1922), 78.

<sup>37</sup> Joseph Alston to Theodosia Burr, December 28, 1800, in Davis, *Memoirs of Aaron Burr*, 1: 425-426. William may have come to reassess the independence he allowed Joseph. A letter referring to two of the latter's half-brothers stresses the requirement for them to be obedient. See William Alston to Mr. Foster [?], October 28, 1812, typescript, DFPR.

<sup>38</sup> Theodosia Burr Alston to Aaron Burr, August 1, 1809, in Davis, *Private Journal of Aaron Burr*, 1: 285.

<sup>39</sup> Theodosia Burr Alston to Aaron Burr, August 31, 1809, in *ibid.*, 287.



Postcard view of the Sir John Nisbett House, circa 1970. Sir Alexander Nisbett, Sir John's grandfather, established Dean Hall Plantation on the Cooper River in 1725. The only surviving structure from the Nisbett era at Dean Hall, the "Nesbitt House," as it is now more commonly known, was relocated from the plantation to Moncks Corner in 1969. From the collections of the South Carolina Historical Society, Charleston.

ters. In the same letter telling of Maria's departure, Theodosia recorded that Charlotte intended to marry a friend and business partner of her husband, a "Mr. W[ilson]. Le père greatly displeased at it." Alston's displeasure was once again in vain, as the couple was married at the end of the year.<sup>40</sup> In 1825 a son by his second marriage, Thomas Pinckney Alston, would marry against his father's wishes as well.<sup>41</sup>

On arriving in Britain for the second time, Maria was met "coldly and cruelly." Sir John "lived in a state of public prostitution with said Madame Ximenes, who . . . had assumed [the] complainant's name," adjudged a court

<sup>40</sup> "Marriage and Death Notices from the City Gazette and Daily Advertiser," *SCHGM* 34 (January 1933): 43–44. The law did not provide a parent with much support, as there was no statutory regulation of marriage. The prohibition on divorce stood in stark contrast with "the remarkable facility of contracting matrimony in this state," commented one jurist of the period. See *DER*, 1817, 2: 644–646n.

<sup>41</sup> Childs, *Rice Planter and Sportsman*, 27.

later.<sup>42</sup> Any lingering hope the marriage might be saved was over. Personal, religious, or social sensibilities aside, though, the absolute prohibition on divorce in South Carolina severely restricted Maria's options. The situation in England, where Sir John was domiciled and the couple had briefly lived together, was little better. Divorce was a lengthy and expensive procedure only available to the husband on the ground of the wife's adultery.<sup>43</sup> An action in Scotland, where Sir John derived his baronetcy, might have stood a better prospect of success, but neither party was domiciled there nor had the marriage taken place within that jurisdiction.<sup>44</sup> In any case, as the corollary of the state's prohibition on divorce, South Carolinian courts adopted a highly restrictive stance towards the recognition of extraterritorial decrees throughout the nineteenth century. The law of the place where the marriage was contracted, not the permanent residence of either party, was the determinant.<sup>45</sup> Had Maria secured a divorce elsewhere, it would not have affected her legal status at home. The only viable option to regularize her position was a formal separation.

With "her patrimony . . . nearly exhausted," Maria now required Sir John "to make some provision for her future separate maintenance."<sup>46</sup> The resulting deed of separation recited the couple's mutual agreement "by reason of various unhappy differences which have of late occurred between them, to live separately and apart from each other." After indicating that he had only a small income, Sir John agreed to pay Maria three hundred pounds per annum for her maintenance and support, and he relinquished any claim against her property. Further, it would be "lawful" for Maria to live apart from her husband "wholly freed and discharged from all power,

<sup>42</sup> "Interesting Decree." "Madame Ximenes" also went under the name of "Mrs. Rosina Byron." She had a number of children by Sir John, but only one survived to adulthood (John Alexander Nisbett). Confirming Maria's allegation of the imposture of herself, Byron's will recorded that she was "commonly called Lady Nisbett." See PROB 11/1911/376, National Archives, London. In addition, an obituary described her as "Lady Nisbett, relict of Sir J. Nisbett, Bart." See *Jackson's Oxford Journal*, February 2, 1839. In life she went so far as to testify in court under this title. See *Morning Chronicle* (London), June 17, 1837.

<sup>43</sup> Lawrence Stone, *Road to Divorce: England, 1530-1987* (Oxford: Oxford University Press, 1990), 141.

<sup>44</sup> Divorce was possible for adultery or desertion, but the procedure was still complex. See Ronald D. Ireland, "Husband and Wife: Divorce, Nullity of Marriage and Separation," in *An Introduction to Scottish Legal History*, ed. G. C. H. Paton (Edinburgh: Stair Society, 1958), 90-99.

<sup>45</sup> Although laid down by no local matrimonial cause, Chancellor Desaussure approvingly cited a Scottish legal authority to this effect in an editorial note to his compilation of case reports in 1817. See DER, 1817, 2: 644n. See also Neil R. Feigenson, "Extraterritorial Recognition of Divorce Decrees in the Nineteenth Century," *American Journal of Legal History* 34 (April 1990): 129, 138.

<sup>46</sup> "Interesting Decree."

authority, and restraint of him . . . in all respects as if she were a femme sole."<sup>47</sup> In consequence, Maria's separate legal status was restored. The first in a series of arrangements and litigation on either side of the Atlantic that would span the next quarter-century, the agreement of 1810 at least provided the prospect of a modest income for Maria, albeit her social role was left unresolved in the absence of a husband, children, or a household.

Sometime after returning home, Maria came to learn that the total income from Sir John's American and Scottish estates amounted to six thousand pounds per annum. This was perhaps the result of an improvement in circumstances, though there is some implication that he misrepresented his income as lower than it truly was when the deed of separation was agreed. Thus, in March 1813, Maria applied to the court of equity in South Carolina for an increase in the annual payment of three hundred pounds and an injunction to prevent the disposal of Dean Hall, against which maintenance payments could be secured. It was likely no coincidence that these proceedings were commenced immediately after the death on January 27 of Alexander Nisbett, Sir John's younger brother, who had been living at Dean Hall.<sup>48</sup> By the end of February, a notice was being carried in the *Investigator*, a Charleston daily newspaper, warning trespassers to keep away from the plantation, in particular "those who have been in the habit of visiting those who have lately resided there."<sup>49</sup> The notice was signed "M. Nisbett," suggesting that Maria was looking to secure the plantation in anticipation of the court action providing official sanction. Between her brother Joseph and brother-in-law John L. Wilson, both qualified attorneys, she would not have lacked for sound legal advice. Additionally, Wilson was none other than the co-editor of the *Investigator*, which soon started printing details of the court's requirement for Sir John to answer the claim within six months.<sup>50</sup>

<sup>47</sup> The deed is reproduced in full in *Dame Maria Nisbett and Husband v. Sir John Nisbett's Trustees*, in *Cases Decided in the Court of Session, from Nov. 12, 1834, to Sept. 30, 1835*, vol. 13 (Edinburgh: Thomas Clark, 1835), 518–520. This is a different report of the same case referenced in note 20 above.

<sup>48</sup> Smith, "Nisbett of Dean," 27. It is likely that Alexander had managed Dean Hall on behalf of himself and his brother in the latter's absence. Certainly, Alexander had had a share in the "negroes and Stocks on the Plantation." See *ibid.*, 24. In the 1790 census, the last to include Sir John, the entry after his records one "Alexander Nisbet" as the owner of eighty-nine slaves. *Heads of Families at the First Census of the United States Taken in the Year 1790: South Carolina* (Washington, D.C.: Government Printing Office, 1908), 31.

<sup>49</sup> *Investigator* (Charleston, S.C.), February 25, 1813 (and repeated in other editions during the subsequent week).

<sup>50</sup> This order dated March 23, 1813, was first published in the *Investigator* on March 25, 1813, and appeared intermittently thereafter through at least late May.

Sir John never formally responded to the suit. As a result, he was held in contempt of court, and Maria's version of events was accepted without the need to call evidence. However, he was aware of the proceedings and represented at the final hearing before Chancellor William D. James in March 1816. The only argument made on his behalf was a technical one—namely, that the 1810 agreement, having already provided compensation for any injury suffered, barred the present examination of his conduct. Considering that he did not contest the allegations against him in court, and taking into account the evidence of his cavalier behavior from other sources, it is reasonable to conclude that the case against Sir John was well founded. Certainly, this was the chancellor's view. Sir John had left Maria in "a delicate and helpless situation." On the other hand, by twice traveling to England, she had shown "the constancy of her affection, and her strong desire to perform all the duties of a wife," expending thirty-three hundred pounds in the process. In return, she had been met "with that kind of contumely which a delicate mind cannot brook; and which, upon persons of her sex, inflicts a wound not easily healed." Moreover, the chancellor rejected Sir John's defense: the agreement properly construed did not bar future claims. The annual alimony payment was therefore increased to three thousand dollars, or one-third of Sir John's gross income. Since these payments would be secured from the revenue of Dean Hall's crops, he was barred from disposing of the plantation.<sup>51</sup>

As Marylynn Salmon contends, this judgment can be interpreted as symbolic of the legal system's "commitment to female dependency." A husband was duty-bound to provide for his wife, particularly given the state's prohibition on divorce.<sup>52</sup> Inasmuch as the Alston wealth meant that Maria would not be left in want regardless of any financial contribution from Sir John, it is right to interpret the court's findings broadly in this way. But based on the facts of the case, the judgment also can be seen to some extent as compensatory. Maria had expended a considerable sum of money and emotional effort in trying to revive the marriage for which recompense was equitable. Chancellor James even made known his belief that the 1810 agreement was "unreasonable," stating he would have set it aside if asked.<sup>53</sup> Most importantly, the official condemnation of Sir John's conduct served to vindicate Maria by establishing her as the innocent party. This was essential when the award of alimony was a purely equitable relief (a wife had no remedy in the courts of common law). Following longstanding precedent,

<sup>51</sup> "Interesting Decree."

<sup>52</sup> Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 79. Salmon's general conclusion to this effect follows a review of the case law, including the Nisbett judgement.

<sup>53</sup> "Interesting Decree."

the wife had to demonstrate the husband's serious "ill usage," while at the same time establishing her own conduct as blameless.<sup>54</sup>

After Chancellor James handed down his decision, Maria's propriety and position were unquestionable to the outside world. She and others of the family were in all likelihood keen for details of the court's findings to receive publicity. The *Investigator* had closed in February 1814, but Wilson may well have used his influence to ensure that its successor, the *Southern Patriot*, although under new management, reported the judgment in full and unredacted.<sup>55</sup> The case was introduced in the paper as one "that has excited and should excite the interest of every one [*sic*] acquainted with the circumstances," and at a time when claims for alimony were very rare, no doubt it did.<sup>56</sup> In the preceding thirty years, only a handful of similar matters had come to trial. Aside from a natural reluctance to parade domestic difficulties in public, the pool of potential litigants was further limited because maintenance was only worth pursuing where assets of some value were at stake. Yet if wealth was indicative of social position—a reasonable deduction given the hierarchical nature of South Carolinian society—then Maria's claim still stands all but alone in terms of the parties' high status. In no other previously reported case from which financial information can be gleaned did the husband's property exceed a total value of eight thousand

<sup>54</sup> The precedent was established in 1785, shortly after the establishment of the court of equity. This case was unreported, but cited in *Threewits v. Threewits* (1815). See Henry William Desaussure, *Reports of Cases Argued and Determined in the Court of Chancery of the State of South-Carolina, and in the Court of Appeals in Equity*, vol. 4 (Columbia, S.C.: Printed at the Telescope Press, 1819), 569 (hereinafter cited as DER, 1819). The judges were following colonial precedent in applying the old English legal maxim that "he who seeks equity must come with clean hands." In other words, the wife could not herself be guilty of marital wrongdoing. For an example of a claim abandoned for lack of proof that the husband had committed "such outrage . . . on the person of the wife as would entitle her to recover alimony," see *Barret v. Barret* (1814), DER, 1819, 4: 447. And for a case where the husband fabricated evidence in an attempt to discredit his wife's good name, see *Devall v. Devall* (1809), *ibid.*, 79.

<sup>55</sup> Wilson began publication of the *Investigator* in partnership with John Mackey in 1812, continuing until the latter's retirement in 1814. The newspaper then appeared as the *Charleston Gazette, and Mercantile Advertiser* for a short period before being acquired by new proprietors, one of whom was a business associate of Wilson, and renamed the *Southern Patriot, and Commercial Advertiser*. See Jacob N. Cardozo, *Reminiscences of Charleston* (Charleston, S.C.: Joseph Walker, 1866), 33; William L. King, *The Newspaper Press of Charleston, S.C.* (Charleston, S.C.: Edward Perry, 1872), 73–74; John Hammond Moore, *South Carolina Newspapers* (Columbia: University of South Carolina Press, 1988), 51.

<sup>56</sup> "Interesting Decree."



dollars. In fact, the others were substantially less.<sup>57</sup> Quite simply, few of these suits involved planters, and none were in the league of Alston or Nisbett.<sup>58</sup>

In highlighting the rarity of Maria's case in legal annals, one other action warrants mention as an exception to the general rule that low-country planters kept matrimonial problems out of the limelight. Although the law report gives scant details, in 1810 a set of proceedings refers to a husband's plantation ownership and the existence of "a considerable fortune." In this dispute, the wife's claim failed and the parties remained anonymous—a fact that in and of itself suggests the sensitivity surrounding marital discord. But given the identities of the witnesses who testified, the couple was clearly of some position. The witnesses included several Allston family members (less wealthy cousins of the Alstons, but still significant planters and landowners) and the planter-politician Benjamin Huger. In a striking remark unique to the judgment, the court described the matter as one of "the utmost importance," not only because of the "respectability" of the parties (a common euphemism for the higher social orders) but also for "the example it is to offer to the community . . . [of] how necessary it is for married persons to control their tempers, and to guard against every cause of offence to each other."<sup>59</sup> In short, the judge considered it the duty of this couple and others like them to set the standard for the rest of society. Interestingly, the author of the comment was William D. James, the same chancellor who later heard Maria's suit. In her case, though, the curious circumstances allowed for no such sweeping declaration.

By the latter part of 1819, there had been a default in the alimony payments to Maria, prompting the commencement of enforcement proceedings.<sup>60</sup>

<sup>57</sup> In *Jelineau v. Jelineau* (1801), DER, 1817, 2: 46, the husband was said to be worth between seven and eight thousand dollars. In *Prather v. Prather* (1809), DER, 1819, 4: 33, the husband's property was valued at less than twenty-five hundred dollars. In *Threewits v. Threewits*, DER, 1819, 4: 565, 567, the husband was worth about four thousand dollars when he married, but this had halved by the time of the trial; he also had received six slaves and seven hundred dollars from the wife. In *Taylor v. Taylor* (1811), DER, 1819, 4: 175, only the man's annual income is calculable at a healthy \$4,650, but this was still barely half of that enjoyed by Sir John.

<sup>58</sup> An indication of relative wealth is provided by slaveholdings. In *Threewits v. Threewits*, DER, 1819, 4: 576, the husband owned twelve slaves, while "several" others had been sold to pay debts. In contrast, the 1810 census shows Alexander Nisbett with 187 slaves and William Alston with 710. See *Population Schedules of the Third Census of the United States, 1810, South Carolina* (Washington, D.C.: National Archives Microfilm Publications, 1958), vol. 1 (microfilm roll 60), p. 225 (for Nisbett), and vol. 3 (roll 62), p. 221 (for Alston).

<sup>59</sup> Anonymous (1810), DER, 1819, 4: 95.

<sup>60</sup> *Maria Lady Nesbitt v. Sir John Nesbitt, Execution for Alimony* (1819), Charleston District Court of Equity, series L10090, South Carolina Department of Archives and History.

This may have contributed to Sir John's decision to cut his losses and sell Dean Hall. Accordingly, in April 1821, he entered into a new arrangement with Maria. In return for the lifting of the injunction to allow the plantation's disposal and in lieu of all past or future claims for maintenance, she would receive a lump sum of twenty thousand dollars, half of the gross sale proceeds. William Alston must have been party to the sale negotiations, seeing as he underwrote the new arrangement by indemnifying Sir John against future claims either by or arising out of the marriage.<sup>61</sup> If Maria had been naive or duped into accepting less than her due in 1810, her father's astuteness and business experience ensured there would be no repeat.

Sir John died at Naples on September 19, 1827.<sup>62</sup> This location, notorious as a haunt of dissipated aristocrats in both fact and fiction, adds to the unattractive picture of his character. Huger Smith cited correspondence showing that as a young man Sir John had a "Haughty Stubbornness of Temper." Later, the clan laird expressed displeasure at his "dash[ing] away at London, Bath, &c." in an effort to avoid the responsibility of his wife and estates.<sup>63</sup> In May 1813, Sir John had executed a deed directing the trustees of his affairs to pay Maria two thousand pounds following his death. However, the bequest was conditional upon her agreeing "to accept of the same in full satisfaction of all claims. . . . This I deem a sufficient bequest to her as by a Deed executed between us she enjoys at present an annuity of three hundred pounds a year with her own separate fortune & expectations." Sir John's direction may have been a response to the legal action recently commenced by Maria, but the assertion that she had her own "fortune and expectations" appears malicious. For money she looked to her father, and as a childless woman deserted by her husband, her prospects were minimal. Following the 1821 arrangement, Sir John revoked the legacy on the basis that with the disposal of Dean Hall, Maria had "accepted a certain portion of the price thereof in lieu of all her claims . . . upon me or upon my estate and effects."<sup>64</sup> He considered his estate released from any further liability.

After Sir John's death, a number of claims were brought against his estate, which the Scottish courts were asked to determine since much of

<sup>61</sup> *Nisbett v. Nisbett*, in *Cases Decided in the Court of Session*, 13: 520–521, and *Scottish Jurist*, 7: 252. The latter report says that Sir John received sixty-two hundred pounds net. Smith gave the sale price as forty thousand dollars. See Smith, "Nisbett of Dean," 27.

<sup>62</sup> *Aberdeen Journal*, October 24, 1827.

<sup>63</sup> Smith, "Nisbett of Dean," 23, 26.

<sup>64</sup> The probate documents comprise Sir John's will, a trust instrument disposing of his property, and directions to trustees, all dated May 6, 1813, together with a codicil and additional directions to trustees of December 16, 1825. See PROB 11/1742/188, National Archives, London.



Early-twentieth-century postcard view of Dean Hall Plantation. This house was built by William A. Carson shortly after he purchased the thirty-one-hundred-acre property from Sir John and Lady Nisbett in 1821. Carson's Dean Hall residence was moved to Gardens Corner in the mid 1970s. From the collections of the South Carolina Historical Society.

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the property fell within their jurisdiction. One claim was from Maria. Her case was founded in "terce"—that is, a widow's entitlement to a one-third life interest in the late husband's heritable estate—and argued that this extended to the "feu-duties" (rent) over Scottish lands Sir John had let out for two thousand pounds per annum some years previously. These rents formed some 80 percent of the estate. The trustees' preliminary argument for her claim's dismissal on the grounds that she was an American alien was unsuccessful because at the time of her birth, Maria was a British subject.<sup>65</sup> On the substantive point, the judges decided that neither of the agreements of 1810 or 1821 nor the South Carolinian proceedings barred the action. However, custom did not allow terce to be claimed from the

<sup>65</sup> *Dame Maria Nisbett and Husband v. Sir John Nisbett's Trustees*, in *Cases Decided in the Court of Session, from Nov. 12, 1833, to July 29, 1834*, vol. 12 (Edinburgh: Thomas Clark, 1834), 293–295, and *Sir John Nisbett's Trustees v. Dame M. Alston Nisbett*, in *The Scottish Jurist*, vol. 6 (Edinburgh: Michael Anderson, 1834), 194–195. The court held that Maria was a British subject at her birth on February 2, 1778 (American independence was not recognized by Great Britain until 1783).

feu-duties. Maria had achieved a Pyrrhic victory and was merely able to elect between the claim of terce against the remainder of the estate and the original annuity of three hundred pounds.<sup>66</sup> Whether or not she was well advised to bring this claim is open to doubt, particularly as her life by the 1830s had taken on a more purposeful and traditional role.

While the 1810 agreement and the 1816 judgment provided legal, social, and financial standing for Maria, the early death of her sister in November 1817 had another important consequence. Charlotte's marriage to John L. Wilson in 1809, the prospect of which had so displeased William Alston, produced two daughters. Confusingly, one was named Maria (or "Mary," as she was more often called), born in 1811, and the other was named Charlotte, born in 1817.<sup>67</sup> Who should look after the little girls in the absence of their mother? Wilson was poorly positioned to do so. Busy as a practicing lawyer and sometime publisher-cum-author, he also had political ambitions and was currently serving in the state legislature.<sup>68</sup> The obvious choice was the childless Maria, who had enjoyed an affectionate relationship with her younger sister. One of Wilson's grandchildren by his second wife much later recalled how the two daughters of Charlotte were adopted by their aunt.<sup>69</sup> As early as 1820, there is good evidence for the children being under her day-to-day control. The census of that year recorded Maria residing in Georgetown with two "free white females under ten," almost certainly the two nieces. Wilson lived nearby and maintained an interest in their care.<sup>70</sup> By taking on the girls' upbringing, Maria gained not only a function amenable to herself, but also one familiar to affluent Carolinians. Siblings and kin customarily played a significant part in the raising of their rela-

<sup>66</sup> *Nisbett v. Nisbett*, in *Cases Decided in the Court of Session*, 13: 524–535, and *Scottish Jurist*, 7: 253–257.

<sup>67</sup> Here again, the choice of names attested to a desire for ancestral continuity.

<sup>68</sup> Wilson would go on to be elected governor of South Carolina in the early 1820s. For a summary of his career, see the entry for him in N. Louise Bailey, ed., *Biographical Directory of the South Carolina House of Representatives*, vol. 4, 1791–1815 (Columbia: University of South Carolina Press, 1984), 605–606.

<sup>69</sup> Lillie K. Yates to Mrs. W. S. FitzSimons, January 30, 1934, South Carolina Historical Society. John Belton O'Neill recorded that the "children were raised by her [Charlotte's] sister, Lady Nesbitt [sic]." O'Neill, *Biographical Sketches of the Bench and Bar of South Carolina* (Charleston, S.C.: S. G. Courtenay and Co, 1859), 2: 319.

<sup>70</sup> *Population Schedules of the Fourth Census of the United States, 1820, South Carolina* (Washington, D.C.: National Archives Microfilm Publications, 1958), vol. 3 (microfilm roll 120), p. 66. Maria ("Lady Maria Nisbit") is recorded as the head of the household, which apart from herself and her nieces, comprised one other white female and eleven slaves. Wilson appears eight places lower in the schedule, allowing for the inference that he lived nearby.

tions' children.<sup>71</sup> This "extensive parenting"—which Darcy Fryer defines as a "reliance on extensive networks of formal and informal guardians, whether kin, friends, business associates, or near strangers, to help bring up their children"—gave minors opportunities for travel, education, and future business connections in addition to a degree of domestic stability if a parent or parents died young, an all too common occurrence in the sickly low country.<sup>72</sup>

By 1823 Maria was renting a property in Charleston belonging to politician Joel R. Poinsett. Nathalie Delage Sumter, an old school friend of Theodosia who was visiting the city, refused Maria's hospitality believing "her character [*sic*] is not very good," even though the latter showed her "great kindness."<sup>73</sup> What led Sumter to her belief is unclear. Married to a diplomat, she had spent long periods out of the country and probably had little current knowledge of local affairs (Theodosia had died a decade earlier). Maria's still somewhat curious social position may have contributed to a misunderstanding. Certainly, Maria had never been shunned by her family. The support received from her father has already been described. J. Motte Alston, her half-nephew, whose upbringing was largely in the hands of William Alston and his second wife, recalled as a child passing "many happy days at her [Maria's] residence in Charleston . . . called 'Poinsetta Place.'" <sup>74</sup> It is highly unlikely that this would have happened had there been any suggestion of scandal surrounding his aunt. The same was true of the custodianship of her nieces. Wilson was a leading exponent of the need for "honorable" behavior, exemplified by his active promotion of the duel, and surely would have objected to any hint of impropriety given his public profile. Furthermore, in letters dating from 1807, Rebecca Motte, heroine of the Revolutionary War and mother of William Alston's second wife, sent various expressions of love to "Maria" and "Lady Nesbit [*sic*]," something hardly to be expected if the latter had been ostracized.<sup>75</sup> Nor was

<sup>71</sup> Glover, *All Our Relations*, 30.

<sup>72</sup> Darcy R. Fryer, "'Improved' and 'Very Promising Children': Growing Up Rich in Eighteenth-Century South Carolina," in *Children in Colonial America*, ed. James Marten (New York: New York University Press, 2007), 105. Fryer distinguishes "extensive parenting" from "intensive parenting," whereby parents invested "more exclusively in their own biological offspring."

<sup>73</sup> Nathalie Sumter to Mrs. Mary Anderson, [?] 13, 1823, in *Fifteen Letters of Nathalie Sumter*, with an introduction and notations by Mary Virginia Saunders White (Columbia, S.C.: R. L. Bryan Company, 1942), 91–92.

<sup>74</sup> Typescript of J. Motte Alston, "Random Recollections of an Inconspicuous Life," 14, box 16B, folder 2, Alston Family Papers, 1846–1902, South Carolina Historical Society.

<sup>75</sup> Rebecca Motte to Mary Brewton Motte Alston [?], February 16 and April 17, 1807, box 630, folder 2, APFP.

Maria secluded from the wider social scene. Motte Alston recalled seeing her at the Charleston races in 1825 or 1826.<sup>76</sup> A few years earlier, another of her brothers, John Ashe Alston, was eager for her portrait to be painted by celebrated artist Samuel F. B. Morse.<sup>77</sup>

In the late 1820s, Maria travelled to Scotland. The reason for her journey remains unknown, though it was conceivably connected with Sir John's death and the claim against his estate. In June 1829, she remarried at Edinburgh.<sup>78</sup> Her new spouse was Dr. George Mercer Murray, who until the previous month had been the apothecary at the city's Royal Infirmary.<sup>79</sup> The couple must have left for America shortly after the ceremony, for at the beginning of October they were listed as returning by packet ship from New York to Liverpool with "two servants, [and] Miss Maria and Miss Charlotte Wilson." The marriage register had given Maria's permanent address as "Grove, Charleston, South Carolina," but departing New York, the whole party was recorded as "of Edinburgh."<sup>80</sup> By this time, although Wilson too had remarried, there seems to have been no suggestion of the daughters returning to live with their father.<sup>81</sup>

In spite of the move to Scotland, Maria maintained contact with the United States over the next decade. Motte Alston recalled meeting her in Baltimore in the mid 1830s while she was on her way to Charleston, and in August 1838, Charlotte was married at the village of New Brighton on Staten Island, New York. Her spouse, Mark Pinkerton, was actually a Scot, but had business interests in America.<sup>82</sup> William Alston did not forget his

<sup>76</sup> Childs, *Rice Planter and Sportsman*, 19.

<sup>77</sup> John Ashe Alston to Samuel F. B. Morse, January 6 and March 7, 1819, General Correspondence and Related Documents, 1793–1877, Bound Volume, December 30, 1818–February 12, 1820, Samuel F. B. Morse Papers, 1793–1919, Library of Congress, <http://lcweb2.loc.gov/ammem/sfbmhtml/sfbmFolder1.html> (accessed August 4, 2011). See also Paul Staiti, "Samuel F. B. Morse in Charleston, 1818–1821," *SCHM* 79 (April 1978): 96.

<sup>78</sup> Register of Proclamations, Banns and Marriages for the Parish of Edinburgh, June 8, 1829, General Register Office for Scotland, Edinburgh.

<sup>79</sup> Murray had resigned as apothecary a fortnight before the marriage citing ill health. Laura Brouard, assistant archivist, Lothian Health Services Archive, e-mail messages to author, January 19, 2011. Some authors repeat Huger Smith's mistake and incorrectly give Murray's first name as "John." See Smith, "Nisbett of Dean," 28.

<sup>80</sup> *New-York Commercial Advertiser*, October 2, 1829.

<sup>81</sup> Wilson married Rebecca Eden on October 17, 1825. "Marriage and Death Notices from the City Gazette of Charleston 1825," *SCHM* 61 (January 1960): 51.

<sup>82</sup> Alston, "Random Recollections," 14; *New-York Commercial Advertiser*, September 21, 1838. The firm of Pinkerton and Hart was engaged in "the Mediterranean trade." See Walter Barrett, *The Old Merchants of New York City* (New York: Thomas R. Knox and Co., 1885), 1: 314. The import of wine was most likely a major component of the business. Mark's father and paternal grandfather had been involved

relations either. Under his will, Maria stood to receive a lump-sum payment of five thousand dollars and an annuity of three thousand dollars. Each grandchild would be bequeathed investment interest amounting to \$750 per annum until marriage and then a lump sum of ten thousand dollars.<sup>83</sup>

With William Alston's death in June 1839, deeds executed by Maria and Mary in Scotland the following August granting power of attorney over their inheritance to a Charleston factor indicate that neither had the intention of returning to the United States in the near future.<sup>84</sup> New interests were occupying their time. In July 1839, the first child of Mark and Charlotte Pinkerton had been born at Janefield House outside of Kirkcudbright, a town in southwest Scotland.<sup>85</sup> Two years later, the census documented Maria and Mary living with them at this address. The household included a coachman, groom, and four other servants, which gives the impression of a life of some comfort.<sup>86</sup> In 1845 Mary married a captain in the Royal Navy, J. J. F. Newell, who later became a rear admiral, while Mark and Charlotte went on to have four more children before the latter's untimely death in 1847.<sup>87</sup> The care of these children then devolved to her surviving sister and Maria.<sup>88</sup>

As ties across the Atlantic loosened, in Britain the Alston name remained in use by Mary, Charlotte, and the latter's descendants.<sup>89</sup> The name of a fam-

in Glasgow's wine and spirit trade for many years. A few months after Charlotte's marriage, "Lady Nisbett, [and] Miss [Mary] Wilson" are again recorded taking a ship from New York to Liverpool. *New York Spectator*, January 10, 1839.

<sup>83</sup> Will of William Alston, transcript available online at <http://www.rootsweb.ancestry.com/~scyauha/wills/alstonwm.htm> (accessed August 9, 2011). Also in Charleston County Wills, 1834-1839, vol. 41, pp. 939-945, South Carolina Department of Archives and History.

<sup>84</sup> Secretary of State, Recorded Instruments, Miscellaneous Records, 5V, series S213003, South Carolina Department of Archives and History.

<sup>85</sup> Old Parish Register Births, Kirkcudbright, p. 89 (entry for Claude Scott Stewart Pinkerton), July 6, 1839, General Register Office for Scotland.

<sup>86</sup> Scotland Census 1841, Parish of Kirkcudbright.

<sup>87</sup> Register of Deaths, District of Brentford, no. 357, October 28, 1847, General Register Office for England and Wales.

<sup>88</sup> The England and Wales Census of 1851 shows Maria, the Newells, and one of the children residing at 10 Spa Buildings, Cheltenham, Gloucestershire. None of the children were living with their father. See also note 93 below for evidence of Maria's custodianship.

<sup>89</sup> The Alston name appears on Charlotte's death certificate, in her obituary notice in the London *Times* of November 2, 1847, and on the birth records of several of her children. For the eldest son, Claude, see note 85 above. See also Frances Ecken, Old Parish Register Births, Duddingston, 1844, p. 31, General Register Office for Scotland, and Maria Alston, Register of Births, District of Cheltenham, no. 258, February 6, 1845, General Register Office for England and Wales. For Mary, see her marriage certificate of September 20, 1845. Register of Marriages, District of Warwick, Parish of Leamington Priors, no. 216, *ibid.*

ily that had enjoyed several generations of prosperity and power in South Carolina continued to have significance. More particularly, it acknowledged Maria's heritage and her part in the upbringing of succeeding generations. In contrast, the Wilson name disappeared upon the marriages of Charlotte and Mary. Apart from their father, who served as governor of South Carolina from 1822 to 1824, none of that ilk had achieved prominence, and even his reputation was tinged with notoriety due to a combative personality.<sup>90</sup> As for Maria, she died in London on May 4, 1856, at age seventy-eight. Six days later, she was buried in the idyllic setting of the Church of Saint Mary-the-Virgin, Perivale, in west London.<sup>91</sup> Her tombstone records a continued love for Charleston.<sup>92</sup> The grave of Charlotte and Mark Pinkerton, along with one of their children, is on one side, and Admiral Newell's grave is on the other. Even in death, this remained a tight-knit family group.

With Sir John playing the role of the cad and Maria as the wronged wife, this story is the stuff of pure melodrama.<sup>93</sup> Yet it also illustrates other points of historical note. First, in terms of methodology, by drawing on disparate sources that taken individually would mean little, the overlapping and complementary nature of biography, genealogy, prosopography, and microhistory is affirmed. This study is genealogical insofar as relations between Alston family members are concerned, but prosopographical when looking at their connections with the larger world. Indeed, the discipline of prosopography, an approach designed to collect and utilize scarce data

<sup>90</sup> For the Wilson family background, see Alexander Gregg, *History of the Old Cheraws* (New York: Richardson and Company, 1867), 77–78, 103. A contemporary observed that had Wilson “cultivated” his natural talents, “he must have been among the greatest men of South Carolina.” Unfortunately, he did not and the close of his life “was a dark and gloomy one.” O’Neill, *Bench and Bar*, 2: 321.

<sup>91</sup> The death is reported in a number of newspapers, including the *London Times*, May 8, 1856. See also entry no. 108 in the Burial Register for Perivale, Little Greenford, London Metropolitan Archives.

<sup>92</sup> Unfortunately, the full inscription is now illegible. So far as it could be deciphered during an examination by the author on August 9, 2009, the text read: “Sacred / To the memory of / Maria widow of / Sir John Nisbett Bart / Of Dean Castle Edinburgh / Who died [4] May 1856 / Age 7[8] years / Charleston where her heart w[as?] / By the / Noblest . . . / And when heart and spirit / Began to fail / By [belief?] in her redeemer / She was enabled to . . . / [without?] her . . . to / The valley of the shadow of death / Leaving behind / The . . .”

<sup>93</sup> Although Sir John has only a minor part, Maria is the lead character in two works of historical fiction by Margaret R. Haswell: *Maria* (Raleigh, N.C.: Pentland Press, Inc., 1995), and *Murder on Pawley's* (Raleigh, N.C.: Pentland Press, Inc., 1999). Haswell explains her personal interest in “My Alston Ancestors in Fiction,” *Carologue*, Autumn 1996, 18–19, 27. This article also includes some circumstantial evidence that Maria took charge of her niece's children after Charlotte's death in 1847.



from "external" sources, was particularly apposite to the research for this article.<sup>94</sup> Second, the reconstructed story of Maria and Sir John fills a blank in the published histories of the families involved and serves as a reminder that people could be emigrants from America just as easily as immigrants to that continent.<sup>95</sup> Third, the exceptional nature of their example emphasizes the importance of the institution of marriage for the planter elite. This is not to suggest that every other union among wealthy South Carolinians of the late eighteenth and early nineteenth centuries was necessarily a "success," but marital disagreements were typically kept out of the public domain given the need to set the standard for society. Of course, Sir John's flagrant behavior made this impossible, drawing down the condemnation of the court and ensuring that Maria retained the emotional and financial support of her family. Fourth, Maria's journeys to England in 1803 and 1809 demonstrate a desire on her part for conformity with the expected norms of a wife's role: children, financial dependence, and social purpose. This extended even to defiance of another standard of familial life, a daughter's obedience to her father. Supported by the comments of Joseph Alston as to the exercise of independent judgment and the marriage choices of Charlotte Alston and Thomas Pinckney Alston, inherent tensions and contradictions are observable within the patriarchal structure. Fifth, it can be added that in all this, the prohibition on divorce had little part to play, acting merely as a hindrance to Maria's ability to resolve her legal status rather than a factor in keeping the couple together.<sup>96</sup> Finally, when all prospects of reviving the marriage were gone, the Alston business sense ensured that while Maria's case was undoubtedly a curious one, she received reparation and public vindication.

<sup>94</sup> "External" in the sense of an observable fact or action independently documented. In the words of Paul Magdalino, prosopography provides "a method of imaginative reconstruction." Magdalino, "Prosopography and Byzantine Identity," in *Fifty Years of Prosopography: The Later Roman Empire, Byzantium and Beyond*, ed. Averil Cameron (New York: Oxford University Press, 2003), 56. For the definitions of and correlation between biography, genealogy, and microhistory, see Koenraad Verboven, Myriam Carlier, and Jan Dumolyn, "A Short Manual to the Art of Prosopography," in *Prosopography Approaches and Applications: A Handbook*, ed. K. S. B. Keats-Rohan (Oxford: Unit for Prosopographical Research, Linacre College, University of Oxford, 2007), 35–69.

<sup>95</sup> The blank has been a constant in published works on the Alston family. Rogers's *History of Georgetown County*, an authoritative modern source, literally leaves Maria's fate blank in the family tree (p. 522). So too does Côté, *Mary's World*, 369. Again, Bailey believes that the names of Wilson's daughters were lost. See Bailey, *Biographical Directory*, 4: 606.

<sup>96</sup> This goes to support the observation in Stone, *Road to Divorce*, 5: "There is little evidence that variations in the strictness of divorce laws in any way influenced the degree of marital breakdown . . . in a given society."

## BOOK REVIEWS

*New Deal, New Landscape: The Civilian Conservation Corps and South Carolina's State Parks.* By Tara Mitchell Mielnik. (Columbia: University of South Carolina Press, 2011. Pp. xiv, 201; \$34.95, cloth.)

Each year, thousands of people take advantage of the opportunities provided by South Carolina's state park system. From Table Rock State Park in the Blue Ridge Mountains to Hunting Island State Park on the southern coast, the state's parks protect the natural wonders and historic sites of South Carolina while providing outdoor recreation for the public. However, most visitors are unaware of the young men whose skill and hard work during the depths of the Great Depression provided the foundation for the parks that so many enjoy today. In *New Deal, New Landscape: The Civilian Conservation Corps and South Carolina's State Parks*, Tara Mitchell Mielnik uncovers the role of the Civilian Conservation Corps in developing the parks. Her work offers valuable insight into the effect of the Great Depression in South Carolina and the legacy of the New Deal in the state.

Mielnik, a historian and preservation planner with the Metropolitan Nashville Historical Commission, begins her book with a brief overview of the desperate economic situation in South Carolina during the 1930s as well as the various New Deal initiatives intended to bring about recovery and offer relief. She presents a grim picture of falling agricultural prices, high unemployment, and poverty-stricken families. With the state either unwilling or unable to provide support, struggling South Carolinians turned to the federal government and New Deal programs for help. Mielnik provides a synopsis of policies like Social Security and the Public Works Administration and their impact in South Carolina. The focus, however, soon shifts to the heart of her study, the Civilian Conservation Corps (CCC).

Created in 1933 as part of an avalanche of legislation passed during President Franklin Roosevelt's first hundred days in office, the CCC was designed to provide work for unemployed young men, stimulate the economy through federal spending, and contribute to conservation projects that would benefit the nation. Individuals who enrolled in the program travelled to one of hundreds of temporary CCC camps established across the country where they performed a variety of tasks, including fighting forest fires, building trails and facilities in state and national parks, and engaging in reforestation efforts. In addition to steady employment, the program provided enrollees with hot meals and the other necessities of life along with an array of educational and recreational opportunities. The men received thirty dollars a month for their labor, all but five of which was sent home to assist their families.