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ENDING SOUTH CAROLINA'S WAR: TWO 1782 AGREEMENTS FAVORING THE PLANTERS

JEROME NADELHAFT *

When the South Carolina legislature met in January 1782 for the first time in two years, revenge was foremost in the minds of the legislators. Spurred by Governor John Rutledge's vivid portrayal of "the wanton and savage manner in which . . . [the British had] prosecuted" the war, the legislature retaliated against Carolinians who had fought with, encouraged, or at times just sympathized with the enemy. The Jacksonborough Assembly opened the courts to punish loyalists who had lived off the property of rebels (as rebels had lived off the possessions of loyalists), confiscated almost 400 estates, banishing most of the owners, and amerced (fined) the owners of almost 100 other estates. Revenge also served the state's needs by promising, through the sale of confiscated property, to supply support for the government and the continuing war.¹

However understandable the desire for revenge was, given the nature of Carolina's war for independence, the government's sponsorship of acts of vengeance ended quickly, so quickly that the passage of time could not yet have healed psychic wounds. Policy changes emerged from the goals of a changed leadership. The Jacksonborough legislature had been dominated by representatives from the backcountry and low-country parishes outside the Charleston District, areas which had never before in the State's history controlled the legislature, and areas too which had suffered most from the brutal civil war.² As the state's prewar

* Associate Professor of History, University of Maine at Orono.

¹ Rutledge's address is printed in John Almon, *The Remembrancer, or Impartial Repository of Public Events*, XIV (1782), 137-40; the act for opening the courts may be found in *Acts Passed . . . at Jacksonburgh [sic]* (Philadelphia, 1782); the best treatment of the confiscation and amercement acts is in Robert Woodward Barnwell, Jr., "Loyalism in South Carolina, 1765-1785" (Ph.D. dissertation, Duke University, 1941), pp. 367-70; on the financial aspect of the legislation see Edward Rutledge to Arthur Middleton, 8 Feb. 1782, Joseph Barnwell, ed., "Correspondence of Hon. Arthur Middleton," this *Magazine*, XXVII (1926), 3, and Gen. Francis Marion to Col. Peter Horry, 10 Feb. 1782, quoted in Edward McCrady, *The History of South Carolina in the Revolution, 1780-1783* (New York, 1902), p. 583.

² Nineteen of twenty-eight elected senators appeared; only seven represented parishes in Charleston District. In the lower house, fifty-seven men represented Charleston District and eighty the other areas of the state. Lowcountry voters had encountered serious difficulties. With Charleston still in the hands of the British,

the collection (by that time something over 1800 volumes⁶⁷), then moved it by himself "out of the Library, down to the lower floor" of the old academy building there.⁶⁸ A transport wagon sent from Newberry arrived in a couple of days. When Kreps loaded it up, and the wagon set off on the long trip to Newberry by way of Columbia,⁶⁹ the Lexington chapter of the history of the theological library of the Evangelical Lutheran Church of South Carolina and Adjacent States came to an end. The town and the collection had been together for twenty-seven years; 1859 seemed a good time to move on.

It is worth noting that while this library was in Lexington, many other institutional collections sprang up across South Carolina as well. By the time of the move to Newberry, those that had made official reports of their size ranged from 25,000 volumes (South Carolina College) to 75 (Columbia YMCA), and in date of founding from 1748 (Charleston Library Society) to 1856 (Columbia Athenaeum). Where did the Lutheran Seminary's library stand among them? In every respect, in the middle: it was exactly tenth of twenty in number of volumes, and seventh in age in the group. Even among the three seminary libraries in the state at that time, it ranked second in both size and age.⁷⁰ Furthermore, slow growth by donation, nurture by a student society, lack of a catalog or a classification system, a marginal position in a curriculum dominated by lecture-and-recitation, a low number of book circulations and a duration of operation set at less than one hour a week—these were common traits in libraries of the time and place,⁷¹ and this library evidenced them all. A more typical ante-bellum South Carolina library could scarcely be found.

⁶⁷ Rhees, *Public Libraries*, p. 462.

⁶⁸ Letter from Barnabas Kreps to Rev. E. B. Hort, Seminary Board Minutes, 30 June 1859, p. 196.

⁶⁹ Seminary Board Minutes, 29 June 1859, p. 193.

⁷⁰ Rhees, *Public Libraries*, p. 640.

⁷¹ *Ibid.*, pp. 447-462.

ruling group, mostly planters and lawyers, reasserted its power, government policy became one of accommodation. Some Charleston representatives and more from the surrounding lowcountry parishes could forgive and forget, inviting back relatives and friends whose transgressions did not seem too serious to those who had escaped the worst evils of the war. To some of these representatives, revenge seemed no longer attractive because it would not aid recovery from the war. Although the legislature passed another confiscation act in 1783, affecting mostly devastated inland regions, its peace making attempts were evident then and in 1784, when, as historians have long noted, it restored hundreds of estates and relieved many people from banishment. When the legislature finished amending the Jacksonborough legislation, only 144 estates were confiscated and fifty-eight amerced.⁸

Even earlier, however, in actions less well known and understood, the government had begun to deemphasize the war, with all its violence and brutality, asking the people it supposedly represented to display love and charity for all. Within and without the governing body, however, there was almost constant opposition to the new direction from people who had suffered so greatly that they could not see beyond revenge, and from those who did not believe that the government was as much concerned with charity as it was with the interests of the dominant group which was not worthy of special consideration; they did not believe the recommendations designed to speed everyone's recovery.

Six months after the Jacksonborough legislature adjourned Governor John Mathews concluded two agreements with the British which protected the interests of slave-owning planters while sacrificing the

only fifteen voters appeared outside the city for its election. They picked thirty men, of whom only six attended the legislature. Charles Cotesworth Pinckney was in Philadelphia when elected by two parishes. Henry Laurens was in the Tower of London. While Charleston District was short thirty-nine representatives, the rest of the state was missing only twenty-six. The names of the legislators may be found scattered through the pages of the two Journals edited by A. S. Salley: *Journal of the House of Representatives of South Carolina, January 8, 1782-February 26, 1782* (Columbia, S. C., 1916), and *Journal of the Senate of South Carolina, January 8, 1782-February 26, 1782* (Columbia, S. C., 1941). When McCrady wrote that the Jacksonborough legislature was made up almost exclusively of lowcountry delegates, an interpretation accepted by most historians, the journals had not yet been found. McCrady's book, though, is still the best, detailed description of the war within the state.

⁸ On South Carolina's politics before the war, see Robert M. Weir, "The Harmony We Were Famous For: An Interpretation of Pre-Revolutionary South Carolina Politics," *William and Mary Quarterly*, 3rd Ser. 26 (1969), 473-501; for the amendments of the Jacksonborough laws, see Barnwell, "Loyalism in South Carolina," 373-5.

emotional and material well-being of fellow Carolinians. One little known agreement fell through, but not before eliciting a private denunciation from Christopher Gadsden, merchant, popular leader, and long-standing political power. The second, better known pact ignited a political fire that lasted over a year, touching off sustained vitriolic and open criticism of "*the conduct of [elected] public officers.*"⁴

In August 1782, knowing that the British would soon evacuate Charleston, Governor Mathews warned General Alexander Leslie that his government would react to further theft of Carolina slaves with a new and tougher confiscation policy. The general proposed a negotiation of differences, out of which came, on October 10, a "Treaty Respecting Slaves within British Lines, British Debts, [and] Property Secured by Family Settlements."

For many Carolinians, this state treaty was far better than the later Treaty of Paris which ended the war. Negotiated by Northerners not fully appreciative of the problem caused by the huge Southern debt owed British creditors, the Paris agreement caused economic hardship and bitter political fighting by stating that creditors should meet no "lawful Impediment" to the recovery of *bona fide* debts.⁵ The British were then immediately entitled to press their American debtors, many of whom had been so hard hit by the war that they could not begin to pay. Carolinians owed £412,000 sterling in prewar debts. But the negotiators of South Carolina's treaty, Edward Rutledge and Benjamin Guerard, as lawyers, members of the upper class, and participants in the Jacksonborough Assembly, better understood the financial condition of some Carolinians. Aware that their exhausted financial resources had made necessary a law preventing suits for the recovery of debts, Rutledge and Guerard wisely secured protection for indebted Carolinians. Their agreement allowed British creditors only the same power of suing debtors as the "citizens of the state may at any time be entitled unto." If conditions warranted further legislation preventing debt collections, the British would have no legal grounds for complaint provided they were not discriminated against.⁶

⁴ The quotation is from the *Gazette of the State of South-Carolina*, Aug. 6, 1783.

⁵ Articles of a Treaty, Respecting Slaves within British Lines, British Debts, Property Secured by Family Settlements, &c., American Papers Respecting the Evacuation of Charleston, 1782, Library of Congress. Some of the provisions of the treaty are printed in David Ramsay, *The History of the Revolution of South-Carolina from a British Province to an Independent State* (2 vols., Trenton, N. J., 1785), II, 376-378.

⁶ Ramsay, *Revolution of South-Carolina*, II, 377; on the prewar debt see Benjamin R. Baldwin, "The Debts Owed by Americans to British Creditors, 1763-1802" (Ph.D. dissertation, University of Indiana, 1932), p. 96.

The provisions regarding slaves, however, even more clearly favored the lowcountry elite. All slaves within British lines were to be restored to their former owners, "as far as is practicable," except for those promised freedom by the British or those whose behavior in adhering to the British had rendered them obnoxious to the Americans and likely to suffer severe punishment if returned. The state was prohibited from punishing returned slaves, and masters were urged to forget the past, two humane but hardly enforceable provisions. Another provision called for the valuing of and payment for unreturned slaves.

Over these provisions in particular Christopher Gadsden erupted. His outspoken objections to the whole agreement were partly inspired by the governor's lack of consultation with him and other members of the Privy Council. But he complained of more than Mathew's snubbing of "the natural council appointed by the State" in favor of "certain lawyers" (who as individuals and as a class aroused Gadsden's hatred) from whom the governor sought and received advice. Gadsden's major complaint was that the agreement, the heart of which he thought dealt with slaves, was expressly written to save and serve one group, an aristocratic minority not deserving such preferential treatment. The treaty was not for him, as it was for Dr. David Ramsay, "a benevolent scheme . . . calculated for mitigating the calamities of war;" it was an act of self-interest.⁷

Rutledge and Guerard had agreed that debts owed to British merchants or to those whose estates had been confiscated, or property secured by family settlements, would not be withheld by the governor. They had agreed also that the governor should be urged to use his "whole power and influence, both in its publick and private capacity," to prevent any future act confiscating those protected debts and properties from passing the legislature.⁸ For whom, Gadsden asked, had the state given up its hold on this British property? Who besides the British benefited? "The great negro owners. . . . The inhabitants near the sea," he said. They were the ones "principally concerned in negroes." Although Gadsden wished that "the country at large may not think their honor and safety [had been] sacrificed to that particular species of property," something—he did not point out what—had been sacrificed.⁹ One could easily see how slaveowners had been raised above other Carolinians. The

⁷ Gadsden to Francis Marion, Oct. 29, 1782, Richard Walsh, ed., *The Writings of Christopher Gadsden, 1746-1805* (Columbia, 1966), p. 186; Ramsay, *Revolution of South-Carolina*, II, 383-4.

⁸ Ramsay, *Revolution of South-Carolina*, II, 376-8.

⁹ Gadsden to Gov. Mathews, Oct. 16, 1782, Walsh, ed., *Writings of Gadsden*, p. 182.

British had stolen not only blacks but vast quantities of other property—plate, silver, furniture—and not all of it from the lowcountry areas that had been robbed of slaves, yet nothing in the treaty effectually provided for its return. A postscript to the agreement pledged the British to return such items when practicable, but when it was not, no effort was to be made to value and pay for them. Unreturned slaves, however, were to be “bought” by the British from their former owners.

Carolínians benefiting from this provision could argue that the British had within their lines more than 5,000 slaves; that slaves were the most valuable, most indentifiable, and least troublesome to return of all stolen property; that since arrangements could not be made for all property, it would have been foolish to reject the return of some. Such reasoning was similar to that of 1775, when South Carolina delegates had agreed with others in the Continental Congress that rice, but not indigo, could be exported from the colonies. When challenged, however, the plan was modified in South Carolina so that rice planters had to share their bounty with others. So, in 1782, when negotiators were unable to secure promise of payments for all stolen property, Carolínians could have considered plans to divide the money received for slaves not returned among all who could prove that the British had robbed them. Nor would it have been unreasonable to suggest that planters whose slaves were restored contribute to a common fund. But no plans along those or similar lines were formed. Agreeing to the treaty, Rutledge conveniently ignored or forgot his own argument of 1774 when he had opposed a plan which would have allowed legal exportation of wheat and flour while other colonial trade was closed: “It was said,” Rutledge wrote, that if the wheat growers “were in an advantageous situation, why not allow the use of it? The answer is ready: because equality is the basis of public virtue.”¹⁰ The argument should still have applied. Carolínians needed their slaves, but to raise up some people through a negotiated treaty would have been to put them in a better position to get ahead, and to keep getting ahead, while others labored without stolen or run-away blacks, without horses, mules, or other stolen property.

According to Gadsden, the treaty was by definition partial to the class which had done least to expel the British from the state. In some

¹⁰ On the fight over the exportation of rice, see Merrill Jensen, *The Founding of a Nation: A History of the American Revolution, 1763-1776* (New York, 1968), pp. 505-7; Peter Force, ed., *American Archives*, Fourth Series (6 vols., Washington, 1837-1846), I, 1111-2; Rutledge to Ralph Izard, Oct. 29, 1774, Anne Izard Deas, *Correspondence of Mr. Ralph Izard, of South Carolina, from the year 1774 to 1804; with a short memoir* (New York, 1844), p. 24.

areas "during these critical Times," slaveowners had refused to turn out when the British appeared, and some, not content "with being merely negative," prolonged the state's difficulties by selling food to the confined and poorly supplied enemy in Charleston.¹¹ In March 1782 Governor Mathews had issued a proclamation forbidding the carrying of provisions into enemy lines, but five months later he was entreating General Francis Marion to form some plan of stopping that shameful commerce, which was so extensive "that the Charleston markets are now daily supplied with the greatest plenty of every thing they want." To do so, Marion replied, would necessitate making prisoners of "every person adjacent to town."¹² Gadsden, who thought anyone named in the confiscation act a saint compared to those "damnable provisions supplie[r]s," wanted them prosecuted under a sedition act. His dissatisfaction over the failure to stop the trade fed his discontent with the terms of the treaty. Trade and treaty were inextricably merged. Never on an individual level, but always in general terms, Gadsden identified the slaveowners, those benefiting from the treaty in the protection of their property, as the very people who had hindered the conduct of the war and sold food to the British.¹³ Little wonder that he disapproved of the pact and the lawyers who had advised the governor.

But the treaty was broken before the British evacuated the state; otherwise there would have been a public fight over it. The two Carolinians aiding in the restoration of slaves were allowed to examine the British fleet bound for St. Augustine but not the vessels bearing the king's pennant. They claimed 136 negroes, received only 73, and then were denied the opportunity of shipping those outside British lines until General Nathanael Greene returned three captured British soldiers. On October 19 Governor Mathews notified General Leslie that he looked "on that agreement as dissolved." Although David Ramsay thought the treaty fell through because "the prospects of gain, from the sale of plundered negroes, were too seducing to be resisted by the officers, privates and followers of the British army," Leslie may have been moved more by England's promise of freedom to those blacks who had joined them, a promise General Guy Carleton told Leslie had to be kept. "In justice,"

¹¹ Gadsden to Gov. Mathews, Oct. 16, 1782, Walsh, ed., *Writings of Gadsden*, p. 182.

¹² The proclamation of 14 March 1782 is printed in Almon, *The Remembrancer*, XIV (1782), 28-9; Mathews to Marion, Aug. 29, 1782 and Marion to Mathews, Sept. 24, 1782, Marion Papers, Bancroft Transcripts, New York Public Library.

¹³ Gadsden to Marion, Nov. 17, 1782, Marion Papers, Bancroft Transcripts, NYPL; Gadsden to Marion, Oct. 29, 1782, Walsh, ed., *Writings of Gadsden*, p. 188.

Leslie agreed, the slaves could not be "abandoned to the merciless resentment of their former masters."¹⁴ (The later Treaty of Paris included a clause prohibiting the carrying away of negroes and other American property, but the British argued that it applied only to negroes coming to British lines after the signing of the Preliminary Treaty in November 1782.¹⁵)

Had the legislature been in session and Charleston and its newspapers in the hands of Carolinians, Gadsden would have had allies for his fight against the "Treaty Respecting Slaves." The government's effort to benefit slaveowning planters came at the indirect expense of others. To recover stolen slaves the government had given up the right to confiscate and sell for the state's use more property. Their laborers returned, some planters would enter the postwar period yet another step ahead of the rest of the populace. The abrupt falling through of the treaty did not permit other groups to perceive their lack of advantage or the alliances that a fight against it would demand.

The next conflict was different. Gadsden and a great many others had sufficient time for an attack on Governor Mathews's second pact, a lasting agreement which more clearly and directly asserted the priority of the planter class. It antagonized, injured, and brought together many citizens already suffering from the war.

After the occupation of Charleston in 1780 the British had denied American prisoners on parole "the Liberty of exercising any Profession, Trade, Mechanick Art, Business or Occupation."¹⁶ As a result, many Carolina merchants and mechanics, struggling to support families or simply taking advantage of conditions, accepted British rule, for which some later lost their estates by confiscation. Consequently too, British merchants flocked to the Carolina port to fill the vacuum left by Charlestonians who had refused to swear allegiance. When their army prepared to depart in 1782, the English merchants sought security for themselves and their goods. They requested permission from Governor Mathews to remain in the city for eighteen months with full freedom to sell their

¹⁴ The correspondence respecting the breaking of the treaty is printed in Ramsay, *Revolution of South-Carolina*, II, 379-84; George Smith McCowen, Jr., *The British Occupation of Charleston, 1780-1782* (Columbia, 1972), pp. 108-9; Leslie to Carleton, Oct. 18, 1782, quoted in Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill, 1961), p. 165. Gadsden thought that "private interest on their side has overset it." To Francis Marion, Oct. 21, 1782, Walsh, ed., *Writings of Gadsden*, p. 185.

¹⁵ McCowen, *British Occupation of Charleston*, p. 110.

¹⁶ Proclamation issued by Henry Barry, printed in the *Royal Gazette*, April 7-11, 1781.

merchandise and collect debts. They asked that during that period they be considered neutrals, exempt from military or public service, duties, and imposts, and that cargoes now in transit be exempt from capture for six months after the departure of the British army.¹⁷

Edward Rutledge, a close associate of Governor Mathews, thought little of the merchants' proposals. At least one request was "the very Essence of Impudence." Considering the proposals "Requesitions, for everything is to be granted and nothing given," Rutledge expected Mathews to give the British "a trimming Answer."¹⁸ But Mathews disappointed him. The governor agreed to allow the merchants six months to sell whatever stock they had and to collect debts, although he refused to grant them the right to commence court actions for the money owed them, since the act prohibiting suits for the recovery of debts was still in force. Mathews agreed that during the time the merchants remained they were to be considered neutrals, exempt from public service and duties, but he asserted that South Carolina did not have the power to guarantee freedom from seizure for vessels carrying goods.¹⁹

Many of the merchants, unhappy with the terms, "absolutely and finally determined to go away with the British troops," but about fifty decided to stay, having first unsuccessfully tried to extend their allotted time past six months. With goods valued at £500,000 sterling on hand, they had much to gain.²⁰

The well-stocked British merchants knew that Carolinians who wanted to rebuild and re-equip their plantations or other property would be forced to turn to them for supplies. South Carolina merchants who had not taken British "protection" had been exiled or denied the right

¹⁷ The merchants' petition is in Almon, *The Remembrancer*, XV (1783), 59-60.

¹⁸ Rutledge to Arthur Middleton, Aug. 1782, Barnwell, ed., "Correspondence of Arthur Middleton," 21-2. Rutledge expected the British to retaliate to a rejection of their proposals by burning Charleston. His answer to that would have been to set fire to London. It was time, he felt, that the English experienced the horrors of war. *Ibid.*

¹⁹ Mathews's proposal-by-proposal answer to the petition is printed in Almon, *The Remembrancer*, XV (1783), 59-60. In an explanatory footnote to one of Gadsden's letters, Richard Walsh treats the "Treaty Respecting Slaves" and the agreement with the British merchants as one treaty.

²⁰ Almon, *The Remembrancer*, XV (1783), 59-60, 62. The number fifty comes from a Senate committee report of Feb. 28, 1783. Both Ramsay, *Revolution of South-Carolina*, II, 372, and William Moultrie, *Memoirs of the American Revolution, so far as it Related to the States of North Carolina and South-Carolina, and Georgia* (2 vols, New York, 1802), II, 341-2, state that Mathews allowed the merchants eighteen months. For the estimated value of the goods see Gervais & Owen to Leonard de Neufville, April 13, 1786, John de Neufville Papers, Library of Congress.

to trade; they could not re-establish their mercantile houses in time to supply the anxious planters. The virtual monopoly gave the remaining British merchants great expectations. Carolina's hungry consumers kept them busy; the £500,000 of goods were sold on credit "at an amazing advance" and brought the merchants, at least on paper, about £1,000,000.²¹

The fight over the agreement with the merchants began in January 1783, about one month after the departure of the British army. In succession, Governor Mathews laid the agreement with the merchants before the Assembly, some Charlestonians urged that it be strictly adhered to and ended at the earliest moment, and the British merchants petitioned that the time allowed them be extended, because they could not, within the remaining four months, sell their stock, find vessels to ship produce, and collect debts. And, their petition said, many of them ardently wished to become Carolina citizens.

Led by William Logan, a Charleston merchant whom the British had exiled to St. Augustine, "a Number of Inhabitants" petitioned the legislature, complaining not about their major grievance, the very presence of the competing and better-prepared British, but about current British actions. They argued that after the end of their physical suffering and oppression, their "happiness . . . [was] lessened on their arrival in Charles Town" by the behavior of the British merchants who had "infringed upon the Spirit" of their agreement by refusing to sell their merchandise at the same prices it had sold for while under the British government, by refusing to take produce in payment, thereby collecting all the specie in the state, and by purchasing additional stock at public sales.²² Technically only the last objection was legitimate, as perhaps the petitioners knew, since they pointed out that the British had violated not the agreement, but its "Spirit." The merchants had been given freedom to dispose of their goods in any manner they chose, but they had not been given permission to augment their stock by purchasing anew. The petitioning Charlestonians asked that the agreement be strictly adhered to and ended as soon as possible.

They seemed at first successful. On February 19 a five-man Senate committee, consisting of two artisans, two backcountry senators, and one senator from St. Helena, in Beaufort District, recommended only slight

²¹ Gervais & Owen to Leonard de Neufville, April 13, 1786, John de Neufville Papers, Library of Congress.

²² Senate Journal, Jan. 30, 1783; see also the Journal for Jan. 24 and Feb. 17, 1783.

alteration of the agreement. Seventeen of the fifty British merchants, they reported, had considerable merchandise still on hand and many debts outstanding. But the committee decided that the previously allotted time for the sale of those goods was sufficient and need not be extended; it was willing, however, to grant the seventeen merchants named in the report additional time for purchasing produce and collecting debts.²³

The success of the Charlestonians was shortlived; the next day the Senate threw out the entire report and drew up a plan differing in every respect. It granted all fifty merchants until January 1, 1784, to dispose of goods, ship produce, and collect debts. Although the fight in the lower house was close, Gadsden at one time pulling together forty-one votes to the other side's fifty-three, the Senate was quickly outdone. The House of Representatives added two months to the agreement, and the Senate concurred.²⁴

The extended time suited the planters, who, without specie, could purchase goods only on credit, expecting to pay their debts with the forthcoming crop of 1783. That crop's value would depend not simply on its size, or on world markets, but also on the number of vessels in port and the number of merchants accepting it in payment of debts. The more British merchants remaining, the better the price promised to be. When the lower house extended the time from January 1 to March 1 it included the months during which most of the crop would be shipped from Charleston.

The climate for agricultural business was made healthier, and the opponents of the British more miserable, by other legislative actions. Because it was "conducive to the happiness and commercial interests of this State," the General Assembly granted alien friends resident in the state extraordinary rights in the state courts. In cases involving South Carolina citizens and foreigners, half the jury had to be aliens, preferably of the same nation as the alien concerned in the trial. By September 1783 at least three trials with British subjects as jurors had been held. The results, a Pennsylvania newspaper vaguely reported, gave general satisfaction.²⁵

²³ Ibid., Feb. 19, 1783.

²⁴ Ibid., Feb. 19 and 20, March 3, 1783; House Journal, Feb. 22, 26 and 27, March 3, 1783.

²⁵ Thomas Cooper and David J. McCord, eds., *Statutes at Large of South Carolina* (10 vols., Columbia, S. C., 1836-1841), IV, 548-9; *Pennsylvania Packet & General Advertiser*, Sept. 16, 1783. In 1786 Edward Rutledge pointed out that special courts for aliens encouraged trade. *Charleston Evening Gazette*, Feb. 16, 1786.

True to their claims, many British merchants asked to be granted the rights of citizens. The legislature, after recommending that the requests of most be granted, turned the whole matter over to the governor and Privy Council, authorizing them to admit as citizens all those whose petitions had been favorably reported on by committees of either house. Over the consistent opposition of Alexander Gillon, a merchant who emerged in 1783 as the leader of the Charleston radicals, the governor and council made citizens of sixty-seven of the 104 who applied. Others, besides those signing the agreement with Mathews, had applied.²⁶ (In 1784 the legislature formalized the granting of citizenship by providing that all free whites, residents in the state for one year, could become citizens—though of a decidedly inferior sort, since they would not be eligible to vote for two years or hold political office until declared eligible by the General Assembly.²⁷)

The acts dealing with British merchants and aliens guaranteed, as much as any actions could, the existence of a large mercantile class to import necessities and export crops. Hoping to ensure low import and high export prices, as well as low freight rates, the planters wanted to attract and keep foreign merchants, most of whom would be British. They succeeded so well that the postwar period became "the sunshine harvest of British commerce, policy, and influence."²⁸ As late as 1787, members of a Charleston trading firm complained that "in walking our Streets, whether convinced by the Dialect or the Names of those who supply our wants, . . . we should rather conceive ourselves in the Highlands of Scotland, than in an American State. . . ."²⁹

Native merchants were swamped by the competition. Some of the £300,000 of merchandise imported by South Carolina in 1783 was

²⁶ Barnwell, "Loyalism in South Carolina," 343; House Journal, March 17, 1783; Privy Council Journal, March 26, April 9 and 30, May 15, 1783. On Gillon see Allan Westcott, "Alexander Gillon," in Allen Johnson and Dumas Malone, eds., *Dictionary of American Biography* (22 vols., New York, 1928-1958), VII, 296.

²⁷ Cooper and McCord, eds., *Statutes of South Carolina*, IV, 600-01.

²⁸ [Aedanus Burke], *A Few Salutory Hints, Pointing out the Policy and Consequences of Admitting British Subjects to Engross our Trade* (Charleston and New York, 1786). Burke is identified as the author of *A Few Salutory Hints* in George C. Rogers, Jr., "Aedanus Burke, Nathanael Greene, Anthony Wayne, and the British Merchants of Charleston," this *Magazine*, LXVII (1966), 75-83. While opposed to the presence of the British merchants, Burke had urged leniency for loyalists.

²⁹ Brailsford and Morris to Thomas Jefferson, Oct. 31, 1787, Richard Walsh, ed., "Letters of Morris & Brailsford to Thomas Jefferson," this *Magazine*, LVIII (1957), 135-6.

shipped to British merchants who had stayed when the army left and probably a great deal to British and other foreign merchants who had come to the state after the war. In addition, the British already had on hand and ready for sale merchandise valued at £500,000. In 1784 the alien share of importations totaled at least 40 percent of the more than £1,000,000 worth that entered the state.⁸⁰

The legislation which benefited the planters came at the material expense of the South Carolina merchants, who had expected to recoup their fortunes or improve their economic status, and at the emotional expense of those who had come to hate the British enemy as a result of wartime atrocities. Although the government could rationally argue that it was aiding consumers and speeding recovery from the war, its policies were a tremendous blow to native merchants. Their position, too, had a rational defense. Like the planters, they had suffered from the war and felt entitled to reap the rewards of peace. But how could they when British merchants got a foothold and cornered or shared the postwar trade? The native merchants thought it far better that the planters should suffer a little longer, "equality" being the "basis of public virtue," so that all could recover from the war together.

The disappointment that the merchants felt was experienced also by local artisans and mechanics. They not only found British artisans and mechanics on the scene (they, too, having stayed behind the departing army) but also skilled slaves. "There is hardly any trade or craft which has not been learned and is not carried on by negroes, partly free, partly slave," working "at the smallest possible price or for nothing almost," wrote a visitor in 1784. The observation had been made before: white shipwrights complained as early as 1744 that blacks were driving them out of their trade, and in 1747 a weaver was warned not to move from Philadelphia because "white people have difficulty earning their bread" in Charleston. The problem unresolved before or during the war, house carpenters and bricklayers protested to the legislature in February 1783, thinking it their turn for special favor.⁸¹

⁸⁰ Notes on the State Debt, Pierce Butler Papers, Box 6 (South Carolina Legislature), Historical Society of Pennsylvania; my estimate of the British merchants' share of importations is based on entries in *The Book of Manifests and Entries, 1784-1787*, South Carolina Department of Archives and History.

⁸¹ Johann David Schoepf, *Travels in the Confederation*, trans. and ed. by Alfred J. Morrison (Philadelphia, 1911), p. 22; for the 1744 complaint see Carl Bridenbaugh, *Cities in Revolt: Urban Life in America, 1743-1776* (New York, 1955), p. 88; the 1747 warning is quoted in Carl Bridenbaugh, *The Colonial Craftsman* (New York, 1950), p. 15; House Journal, Feb. 21, 1783; Senate Journal, Feb. 22, 1783.

Committees in both houses, dominated by artisans and close associates, reported favorably on the petition, but the city's workers were denied satisfaction by the legislature, which simply went back to prewar plans and prohibited slaveowners from hiring out their property without first acquiring licenses. Advertisements in city newspapers ("WANTED to hire, SIX good NEGROE CARPENTERS, for six or twelve months") were constant reminders of political failure.³²

Opponents of legislative policy voiced their ideas openly. Members of Alexander Gillon's perfectly named Marine Anti-Britannic Society in December 1783 celebrated the first anniversary of the British evacuation by toasting a "speedy restoration to *our Chamber of Commerce*, solely consisting of true American merchants, patriotic planters, and the trading Whig-subjects of our Allies." They drank also to the hope that "the Cruelties and Manufactures of Great Britain [might] be equally despised by every American."³³ Edward Weyman, first president of the Fellowship Society, a prewar mechanics' group, was another protestor. In July 1783 he presided over a general meeting which asked the governor to investigate charges that the British merchants had violated their agreement.³⁴ "A COLUMBIAN" reminded readers of the *South Carolina Weekly Gazette* "that it was the voracious commanding Officers of the British army . . . whose bowels yearn'd as beagles thirsting after human blood, that murdered your fathers, mothers, sisters, brothers and cousins. . . ." Neither such officers nor Carolinians afraid to fight them were ever to enjoy Carolina's freedom.³⁵

Why should the British be made citizens? Why should they become jurors? Why should the war, not officially over when the legislature first met in 1783, be forgotten? Those who hated the British wanted vengeance. Together with those who wanted to be free from British economic competition, which threatened to be economic domination, they certainly did not want the British or the loyalists to participate in, and profit from, the reconstruction of that which British soldiers had helped destroy.

³² House Journal, March 8, 1783; Richard Walsh, *Charleston's Sons of Liberty: A Study of the Artisans, 1763-1789* (Columbia, 1959), pp. 124-6; *South Carolina Gazette & General Advertiser*, May 20, 1783.

³³ *South Carolina Weekly Gazette*, Dec. 19, 1783. The move to establish a Chamber of Commerce was also connected with Britain's restrictive trade regulations for the West Indies.

³⁴ *Ibid.*, July 26, 1783; Walsh, *Charleston's Sons of Liberty*, p. 29. The legislature indicated that ratification of the Preliminary Articles of Peace made further compacts with British merchants unnecessary. The merchants were free to remain forever if they chose. *South Carolina Gazette & General Advertiser*, Aug. 12, 1783.

³⁵ *South Carolina Weekly Gazette*, July 19, 1783.

The continued presence of the British merchants precipitated an intense attack on the legislature, the aristocrats who were thought to control it, and the people they were favoring. "BRUTUS" was only one who censured "*the conduct of public officers, the measures of Government, and the . . . mal-administration of men in power or public trust. . .*" Objecting that the "*votes and influence*" of his enemies were secured for "the *aggrandizement* of the FEW," he warned those making policy that "the Whig citizens of Charlestown," while not seeking "to overturn [the] Government, or clog its wheels," were "determined . . . [to] be free," loving, as they did, "*equals* but not *masters*."³⁶ Probably no one expected the legislature to respond sympathetically to the petitions and appeals. The only real recourse of Gillon and his supporters was a show of strength that would make their enemies uncomfortable.

The ensuing demonstrations, or the "riots," "mobing," and "licentiousness of the people," as the government's defenders preferred to call them, were taken so seriously that in the late summer of 1783 a small gathering of the legislature, overwhelmingly controlled by the Charleston area lowcountry planters, reversed a long standing policy and created for Charleston a local government, giving it power to suppress demonstrators.³⁷

Certainly more was involved in the demonstrations than the agreements with the British merchants. Protestors combined their attack on the aliens with one on returning loyalists, which cost them the support of Gadsden, who had been one of the few to fight against the confiscation and amercement acts.³⁸ Discontent was increased by high food prices, by the negro workers, and by summer heat. And the presence of

³⁶ *Gazette of the State of South-Carolina*, Aug. 6, 1783.

³⁷ John Sandford Dart to Ralph Izard, July 11, 1783, quoted in George C. Rogers, Jr., *Evolution of a Federalist: William Loughton Smith of Charleston, 1758-1812* (Columbia, 1962), pp. 104-5; Nathanael Greene to Col. Pettit, July 29, 1783, Joseph Reed Papers, New York Historical Society; David Ramsay to Benjamin Rush, July 11, 1783, quoted in Rogers, *Evolution of a Federalist*, p. 105. The special session of the legislature which incorporated Charleston was actually called to consider continental affairs. It was scheduled to meet on July 7 and finally got under way on the 30th, when the lower house mustered the sixty-nine members (of 202) for a quorum. Not many more appeared before the end of the session. The legislature could not fill the lieutenant-governor's position, because the lower house was never able to find 102 representatives, a majority, for the election. Of the sixty-six members who can be placed at the meetings of the lower house, forty-six were from Charleston District. For the act of incorporation, see Cooper and McCord, eds., *Statutes of South Carolina*, VII, 97-101.

³⁸ Gadsden to Marion, Nov. 17, 1782, Walsh, ed., *Writings of Gadsden*, pp. 194-8.

large numbers of foreign sailors may have fostered street actions.⁸⁹ But the uproar had begun over the British merchants. The agreement with them, like the earlier treaty that called for the return of slaves and allowed the stoppage of suits for debt, was a simple attempt to improve the condition of the planters, who probably identified their own interests with those of the state.

The government was unable to balance desires or strike a middle ground. Revenge and recovery went hand in hand for some but for others were incompatible. The legislature's preoccupation with the planters drew merchants, artisans, and mechanics together. Their postwar commonality was too precarious to survive long, but the legacy of their joint opposition to the government's policy was significant: throughout the troubled 1780s some segments of the society perceived the government as adversary rather than as benefactor.

⁸⁹ On food prices see Pierce Butler to Thomas Fitzsimmons, March 22, 1783, Gratz Collection, Old Congress, Historical Society of Pennsylvania; *South Carolina Weekly Gazette*, March 1, 1783; on the heat see William Pierce, Jr. to Dr. [Robert] Johnson, Aug. 1783, Emmett Collection, NYPL. One of the first ordinances passed by the Charleston government required all mariners to return to their vessels within one hour after sunset. *Ordinances of Charleston Passed in the First Year of Incorporation of the City* (Charleston, 1784), pp. 6-9.