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SOUTH CAROLINA'S COMPLIANCE WITH THE MILITIA ACT OF 1792

JEAN MARTIN FLYNN *

When the Federal Convention met in 1787, the delegates faced the problem of how to defend the new nation. Should Americans rely upon a standing army? Should they rely upon militia?

The use of citizen soldiers dated back to the early days of colonization. In Carolina, for example, the Proprietors made every man a soldier regardless of birthplace, job, or social class.¹ When King George I took the settlement under royal protection, he ordered Francis Nicholson, his captain-general and commander-in-chief, to take care that "all Planters, Inhabitants and Christian Servants be well and fitly provided with Arms and listed under good officers."²

In turn, one of the first acts of John Rutledge, president of South Carolina in 1776, was to urge the General Assembly to pass a militia law.³ But during the war with England, Washington and other military leaders learned that regular troops won victories, not undisciplined militia commanded by untrained officers.

Even so, the Federal Convention proposed a militia of the States. Congress would make laws to organize, arm, discipline, and govern soldiers called into the service of the United States. But the right to name the officers of those troops and all other authority over them remained with the states.

The Federal Convention relied upon the militia for two reasons: there was no money to support a standing army and Americans feared one. So strong was the fear that at the Convention, George Mason of Gunston Hall, Fairfax County, Virginia, wanted to preface one section of the plan with the words: "And that the liberties of the people may be better secured against the danger of standing armies in time of peace." James Madison, Jr., delegate from Virginia who would become fourth President of the United States, favored the proposal stating that

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¹ *The Statutes at Large of South Carolina*, ed. Thomas Cooper and David J. McCord, Columbia, S. C., 1837-1841, I, 29. (Hereafter *Statutes at Large*.)

² William James Rivers, *A Chapter in the Early History of South Carolina*, Charleston, 1874, p. 82.

³ *Journal of the General Assembly of South Carolina—September 17, 1776 to October 20, 1776*, ed. A. S. Salley, Jr., Columbia, 1909, p. 9.

Yesterday I took my Seat in the Convention,⁸⁴ where I have now the Honor of representing the Laity of S. Carolina being the only Layman from our state: we vote by States & no vote can pass unless the Laity concur. Several questions have been [*torn*] by the Laity's negative, altho the Clergy [were] pretty unanimous. In general the two orders don't perfectly agree—Yesterday we had much debate on the new form of Liturgy & to day was spent in discussing the propriety of inserting in the Creed that *J. Christ decended into Hell*: the Clergy all voted for it & nearly all the Laity against it, consequently the motion for inserting those words was lost. It was matter of great triumph to us that the reverend gentlemen could not agree among themselves what was the meaning of the words, some contending that he actually went to the place of the damned, vulgarly called *Hell*, others that he only went to the *place of departed spirits* & others again that he only went to his grave—finally we made a compromise & agreed that the Minister may use either words, viz; that *he decended into Hell* or *into the place of departed Spirits*.

The Lay Deputies who are most conspicuous are Mr. Hopkinson⁸⁵ & Tench Coxe of this place & Mr. Andrews of Virginia.⁸⁶ Dr. Smith⁸⁷ of this State is President & a very bad one, for he is perpetually interrupting the members & mingling in the Debate—indeed I observe that all the Gentlemen in orders are always out of order: I have already picked up a vast deal of theological knowledge & shall become a great disputant.

We shall stay here about a week longer.

I am glad to hear such favorable accounts of the Crops.

Farewell, my dear Sir—in haste—Your affectionately hum. Servant.

WM. SMITH.

[P. S.] Strong⁸⁸ sails tomorrow—I would not lose the opportunity tho much-hurried.

⁸⁴ No. 23 of Volume XIV of the Smith Pamphlets in the Charleston Library Society, Charleston, S. C., is a copy of the "Journal of a Convention of the Protestant Episcopal Church . . . held in Christ-Church, in the city of Philadelphia, from July 28th to August 8th, 1789." The convention must have resumed its meeting, the second half of which Smith attended according to this letter.

⁸⁵ Francis Hopkinson of Pennsylvania was the secretary of the convention.

⁸⁶ John Andrews.

⁸⁷ Dr. William Smith.

⁸⁸ Capt. Strong sailed regularly in his ship *Philadelphia* between that northern city and Charleston.

as "armies in time of peace are allowed on all hands to be an evil, it is well to discountenance them by the Constitution as far as will consist with the essential power of the Government on that head." Gouverneur Morris of Philadelphia, Pennsylvania, disagreed, feeling the motion "set a dishonorable mark of distinction on the military class of Citizens." Charles Pinckney of Charleston, South Carolina, concurred in the opposition. Earlier he had expressed "but scanty faith" in militia. And Gen. Charles Cotesworth Pinckney of Charleston had asked whether "no troops were ever to be raised until an attack should be made on us."⁴

After the Convention put the safety of the United States in a state militia system, Congress passed in 1792 "An Act more effectually to provide for the National Defence by establishing an uniform Militia throughout the United States." The first section set age limits for militiamen and specifications for arms. Able-bodied white male citizens between eighteen and forty-five had to enroll and within six months provide themselves with arms. Arms for the infantryman included musket or firelock, bayonet and belt, two spare flints, knapsack, pouch with cartouche box containing at least twenty-four cartridges suited to the bore of his gun and the proper quantity of powder and ball. Riflemen had to have rifle, knapsack, shot pouch and powder horn, twenty balls, and a fourth pound of powder. On company muster days, men could omit the knapsacks. Commissioned officers had to have a sword or hanger and spontoon. The first section also stated that within five years, all muskets used by the militia must be of bores sufficient for balls of the eighteenth part of a pound. It declared arms and accoutrements not subject to attachment for "suits, distresses, executions or sales for debts or for payment of taxes."

The second section of the Militia Act of 1792 listed exemptions. Congress excused men holding office under the United States, members of Congress, customs house officers and clerks, officers in the post office department, stage drivers carrying the mail, ferrymen on post roads, inspectors of exports, pilots, mariners, and persons exempted by the laws of their own states.

The third section dealt with organization. State legislatures were to arrange divisions, brigades, regiments, and companies and number them at their formation with rank according to the numbers. "If it is convenient," wrote the Congress, each brigade should have four regiments; each regiment, two battalions; each battalion, five companies; each company, sixty-four privates.

⁴ *The Records of the Federal Convention of 1787*, ed. Max Farrand, New Haven, 1937, II, 330, 332, 616-617.

Each division was to have a major general and two aides-de-camp with the rank of major; each brigade, a brigadier general and a brigade inspector with the rank of major; each regiment, a lieutenant colonel as commandant; each battalion, a major; each company, a captain, a lieutenant, an ensign, four sergeants, four corporals, a drummer, and a fifer or bugler. On the general staff were an adjutant and a quartermaster to rank as lieutenants, a paymaster, surgeon, surgeon's mate, sergeant major, drum major, and fife major.

Section four called for one company of grenadiers, light infantry, or riflemen in each battalion and one company of artillery and one troop of horse in each division. Each company of artillery must have a captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, a drummer, and a fifer. Officers needed sword or hanger, fusee, bayonet and belt with a cartridge box with twelve cartridges. For the time being, privates were to equip themselves like privates in the infantry.

For each troop of horse, there were a captain, two lieutenants, a cornet, four sergeants, four corporals, a saddler, a farrier, and a trumpeter. Commissioned officers must have a sword and a pair of pistols with the holsters covered with bearskin caps. Required of dragoons were saddle, bridle, mail-pillion and valise, a pair of pistols, sabre, and cartridge box with twelve cartridges. Both officers and dragoons must have horses at least fourteen and a half hands high. At their own expense, these special groups equipped and uniformed themselves, the color and fashion of their uniforms being determined by the brigade commander.

Section five of the Militia Act of 1792 ordered field officers to see to state and regimental colors for each battalion and regiment and commissioned officers to provide drum and fife or bugle horn for each company.

Section six required each state to appoint an adjutant general. His duties included distributing orders from the governor, the commander-in-chief, to the various corps; attending reviews when the governor was present; perfecting the system of military discipline; furnishing blanks for returns and collecting them.

Section seven asked that the rules of discipline approved by Congress in the resolution of March 29, 1779, be the rules of discipline for the militia. The commanding officer was to train the troops by these rules at every muster.

The eighth section ranked officers according to the date of their commissions. The ninth section provided care at public expense for anyone wounded or disabled while in the service of the United States.

Section ten described the duties of the brigade inspector. This officer was to attend the regimental battalion meetings, inspect arms and accoutrements, superintend exercises and manoeuvres, introduce military discipline, and make yearly returns to the adjutant general, who should compile a report for the governor from whom the returns went to the president of the United States.

Section eleven provided that those corps of artillery, cavalry, or infantry which "by laws, customs, or usage thereof" had not been incorporated into the state militia and were not subject to the general regulations should retain their privileges but should meet all other requirements of the Act of 1792.⁵

On May 10, 1794, the South Carolina legislature passed an act entitled "An Act to organize the Militia throughout the State of South Carolina in conformity with the Act of Congress." Not only did this legislation meet the above Federal stipulations; it added other provisions.

Contested Elections. Such elections were to be settled by the brigadier general with the help of two field officers from some other regiment in the brigade.

Procedure When Brigadier General Resides out of State. The duties of the absent brigadier general went to the major general of the division in case of sickness or inability to attend. However, the governor had the right to appoint someone to see to the division of the brigade and the election of officers.

Residence of Officers. An officer had to reside in his command except for the officers of the Charleston regiments where residence in the city was sufficient.

In Case of Invasion or Other Emergency. The governor could order out any part of the militia for duty anywhere in the State for as long as he thought necessary. One-fourth part of the militia was to remain on guard at home to serve on patrols. To determine which men should leave, the legislature ordered that the names of all eligible persons be written on slips of paper and placed in a hat for a clerk or sergeant to draw out. Any man whose name was drawn could provide a substitute, but he still had to do patrol duty. The governor could also send not more than one-third of the militia out of the state for a period of two months or less.

⁵ *The Debates and Proceedings of the Congress of the United States with An Appendix containing Important State Papers and Public Documents and All the Laws of a Public Nature*, Washington, 1849, III, 1391-1395.

Power of Officers in Emergency. Officers could impress "arms, ammunition, provisions, horses, wagons, carts, boats, pettiaugers, and vessels." They had the right to order out the militia under their command.

Publishing an Alarm. In case of invasion, insurrection, or rebellion, the commander-in-chief was to assemble a force and "publish the alarm by firing six guns two at a time at three minutes distance." Officers hearing of the enemy were to fire three small arms—said alarm to be carried on by all persons hearing by firing small arms distinctly.

Penalty for Neglect of Giving Information. Not informing of approach of enemy, fifty pounds sterling; not joining group immediately, twenty pounds sterling; failing to reach company before outbreak of actual fighting, forty pounds sterling.

Other sections gave pay rates for the militia in service of the State, described uniforms for general and regimental officers, and provided a court of inquiry for officers accused of unmilitary or unbecoming conduct.⁶

In compliance with section one of the Act of 1792, the South Carolina legislators approved the age limits of eighteen to forty-five for every able-bodied free white man including aliens and transients in the state for six months. Natural-born and bona fide French citizens were exempt by treaty.⁷ In early years, the number enrolled in the state remained fairly constant: in 1799, 31,228;⁸ in 1826, 34,279.⁹ Subject to duty as fatigue men and pioneers were all free Negroes and Indians (except those of nations friendly to the state), Moors, mulattoes, and mestizoes.¹⁰

As for arms, the law required the equipment set by the Federal Act. For failure to be armed properly, the rank and file faced a fine; officers, a courtmartial. Masters were responsible for giving arms and accoutrements to their white apprentices.¹¹

⁶ *Statutes at Large*, VIII, 486-497.

⁷ *Statutes at Large*, VIII, 493.

⁸ Military Affairs, Return of the Army in the State of South Carolina Comanded by His Excellency Charles Pinckney, December 16, 1797, S. C. Archives.

⁹ National Guard Bureau Annual Returns, Abstract of the Annual Return of the Militia of South Carolina for the Year 1826, National Archives.

¹⁰ *The St. Augustine Expedition of 1740*, Columbia, 1954, pp. 12, 93, shows that when Oglethorpe planned the expedition, he asked South Carolina for eight hundred "Negro Pioneers" equipped with spades, hoes, axes, and hatchets "to dig trenches and make Gabelins and Fascines."

¹¹ *Statutes at Large*, VIII, 489.

Since the Federal Government paid for none of the equipment, probably no South Carolina militiaman's arms ever met specifications. In 1826, when Gen. John Belton O'Neill, lawyer and judge as well as militia general, answered a questionnaire sent Governor Richard I. Manning by the secretary of war, the men were using shotguns and rifles — a farmer's ordinary arms — and preferred shot pouches, shot bags, and horns to cartridge boxes.

O'Neill noted that muskets and bayonets could not be procured, and if they could, citizens would "submit unwillingly to the expense." He said the state had tried to introduce cartridge boxes, but those in use were all sizes and fashions and so "badly constructed as to be of no value to the service." He reported that knapsacks were available but the men did not like them and presented "anything which would do to be called a knapsack" to the commanding officers.¹²

In compliance with section two of the Act of 1792, the legislators exempted persons holding office under the state, sheriffs and gaol keepers, continental officers who were deranged or had served to the end of the war, clergymen, physicians, schoolmasters with fifteen pupils, college students, pilots for the ports, and all militia officers who had held command for seven years. In jobs vital to the economy, they excused one white man at each ferry, toll bridge, and toll grain mill; three white men at each forge; five at each furnace at an iron works.¹³

In line with the Federal plan for organization, the legislature divided South Carolina into two divisions. The Western or Upper Division comprised the districts of Edgefield, Abbeville, Newberry including the Dutch Fork between the Saluda and Broad Rivers, Laurens, Pinckney, and Washington. The Eastern or Lower Division included Beaufort, Orangeburg without the Dutch Fork, Charleston, Camden, and Cheraw.¹⁴ Legislators chose by ballot major generals, brigadier generals, and the adjutant general who had the rank of lieutenant colonel. Maj. Gen. Andrew Pickens commanded the Upper Division; Maj. Gen. Charles Cotesworth Pinckney, the Lower Division.

After the divisions were established, brigades and regiments were numbered by lot. Edgefield and Abbeville Districts formed the First Brigade; Laurens and Newberry including the Dutch Fork, the Second; Pinckney, the Third; and Washington, the Fourth. Orangeburg exclud-

¹² *American State Papers, Military Affairs*, III, 405. This study conducted by Secretary of War James Barbour of Virginia gives perhaps the most comprehensive picture of the militia system to be found. Barbour sent questionnaires to all governors.

¹³ *Statutes at Large*, VIII, 492.

¹⁴ *Statutes at Large*, I, 348, 305.

ing the Dutch Fork, Beaufort, and the Colleton County Regiment formed the Fifth Brigade; Georgetown, the Sixth; Charleston County except for the Colleton County Regiment, the Seventh; Camden, the Eighth; and Cheraw, the Ninth (See Figure 1).¹⁵

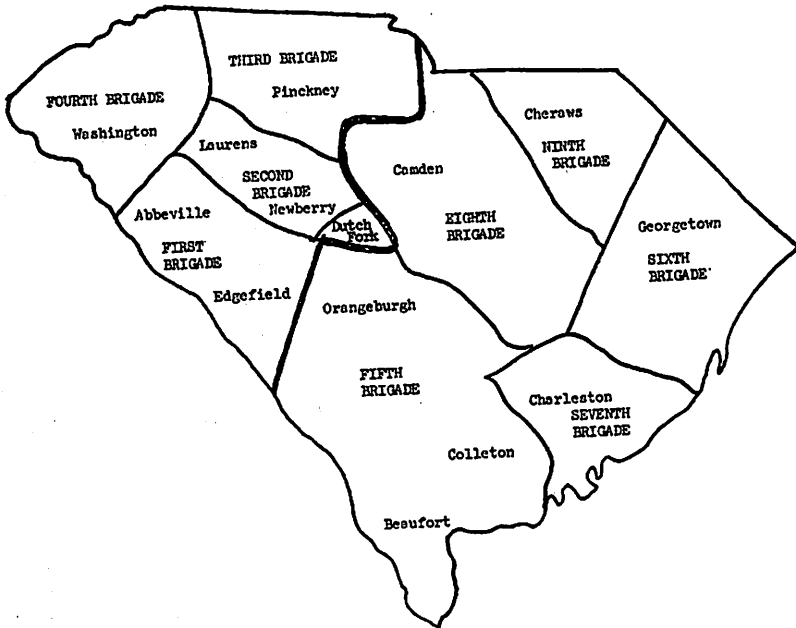


FIGURE 1. *Division of South Carolina Militia by State Act of 1794*

The First Brigade with regiments 1-5 was under the command of Brig. Gen. William Butler; the Second with regiments 6-9, Levi Casey; the Third with regiments 10-14, Edward Lacey; the Fourth with regiments 15-19, Robert Anderson; the Fifth with regiments 20-24, John Barnwell; the Sixth with regiments 25-27, Peter Horry; the Seventh with regiments 28-31, William Washington; the Eighth with regiments 32-36, Richard Winn; and the Ninth with regiments 37-39, Tristram Thomas.¹⁶

The brigadier generals divided their brigades into regiments (See Figure 2)¹⁷ and appointed five persons to mark off battalions and com-

¹⁵ *Ibid.*

¹⁶ Journals of the South Carolina Senate, November 25-December 21, 1793; April 28-May 12, 1794, pp. 241, 342-343, S. C. Archives.

¹⁷ Except for the 40th regiment in Chester and the 41st in Fairfield, formed some time before they became a brigade in 1814 (*Statutes at Large*, VIII, 524),

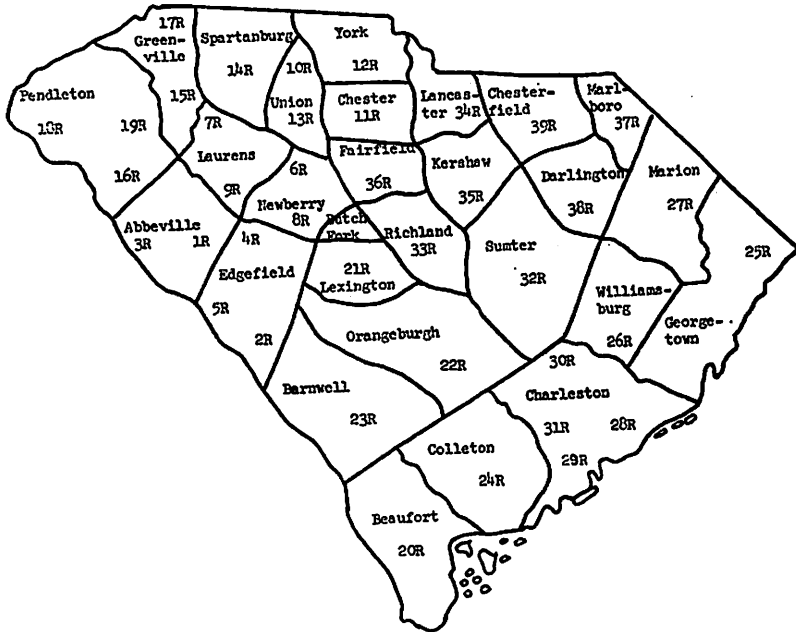


FIGURE 2. Regiments of South Carolina Militia by State Act of 1794

this was the division until the reorganization of 1819 in compliance with the Act of 1814. This Act required five divisions: **FIRST** made up of the First Brigade—Greenville and Pendleton—and the Second Brigade—Abbeville and Edgefield; **SECOND** made up of the Third Brigade—Orangeburgh, Lexington, Barnwell, Beaufort, and Colleton—and the Fourth Brigade—Charleston; **THIRD** made up of the Fifth Brigade—Lancaster, Kershaw, Richland, and Sumter—and the Sixth Brigade—Chester and Fairfield; **FOURTH** made up of the Seventh Brigade—Chesterfield, Marlboro, and Darlington—and the Eighth Brigade—Marion, Horry, Williamsburg, and Georgetown; and the **FIFTH** made up of the Ninth Brigade—Spartanburg, York, and Union—and the Tenth Brigade—Laurens and Newberry with the Dutch Fork (*Statutes at Large*, VIII, 523). It also required the renumbering of the regiments. After 1819, new regiments included the 42nd, Pendleton, in 1820 (*Statutes at Large*, VIII, 543); the 43rd, Barnwell, in 1821 (*Statutes at Large*, VIII, 544); the 44th, Sumter; the 45th, Spartanburg; and the 46th, York, in 1834. At that time, the legislature ordered the Ninth Brigade rearranged with two regiments in York, two in Spartanburg, and two in Union. The two new ones were to have rank determined by lot, and the four old ones were to keep the same numbers but determine by lot where each would be. The order relocated Regiments 34, 35, 36, 37. Figure 3 locates the forty-six regiments. To determine these locations, the writer read newspaper notices of muster and papers with regimental headings in the Archives and checked places by maps of the period.

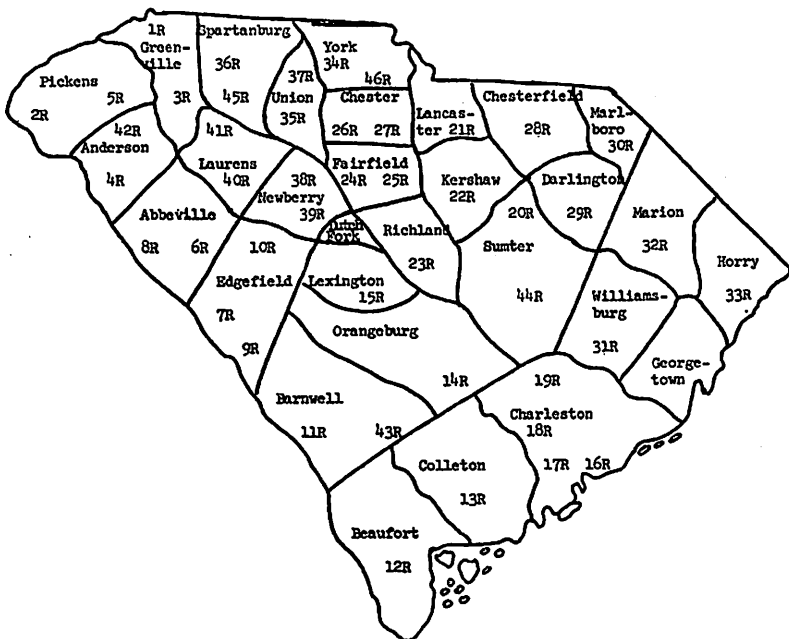


FIGURE 3. Regiments of South Carolina Militia After 1834

panies. This done, after fifteen days' notice, the troops assembled at regimental muster to elect a lieutenant colonel and two majors.¹⁸ Privates and officers of the battalions chose these officers; respective companies with every man over eighteen voting elected captains, lieutenants, and ensigns.¹⁹ The Charleston newspaper for June 11, 1794, carried notice of the election to be held in Charleston District on the first Tuesday in July.

The only mention of artillery and cavalry in the Act of 1794 is a statement in section four that any company "associated, uniformed, and in commission by June 20" with at least forty rank and file could vote for their own officers. Formation of cavalry and artillery on other than a volunteer basis came only after French authorities had insulted Charles Cotesworth Pinckney when he went to present his credentials

¹⁸ *The South Carolina State-Gazette and Timothy and Mason's Daily Advertiser*, June 11, 1794. Since the *Statutes* give last names only of the colonels, the appended list is based on county histories, the *Directory of the Senate of the State of South Carolina 1776-1962*, and the directory of the House of Representatives in manuscript at S. C. Archives.

¹⁹ *Columbia Gazette*, May 13, 1794.

as minister to France and war threatened. In 1797, South Carolina took action to meet the threat.

Governor Charles Pinckney issued orders for Lt. Col. Laurence Manning, the state's first adjutant general, to draft thirty-five hundred men from the different brigades and arm and equip them "in readiness to march at a moment's notice." Members of the volunteer corps of artillery, cavalry, and infantry could make up part of the proportion of the brigade to which they belonged.²⁰

In early December, citizens in Charleston petitioned the Senate to let them form a troop. Forty men, realizing the "present critical situation of the city and its inhabitants," felt horsemen would be most useful in protecting the city if war with France did come. They were ready, they stated, to serve with the army of the state or as a local corps for the use of the city.²¹

Finally, on December 16, 1797, the legislature passed "An Act concerning the Cavalry and Artillery of this State" requiring each brigade to have a regiment of cavalry with no more than six troops nor fewer than four. Sixty-four rank and file was the top number in each troop. Commanding each regiment was a lieutenant colonel with rank determined by lot.²² When the lots were cast, rank was as follows: No. 1, Benjamin Postell, Fifth Brigade; No. 2, Erasmus Powe, Ninth; No. 3, Leroy Hammond, First; No. 4, James Creswell, Second; No. 5, George Gill, Third; No. 6, John Kershaw, Eighth; No. 7, Leonard Dozier, Sixth; No. 8, William Cunningham, Seventh; and No. 9, John Bayliss Earle, Fourth.²³

Although the Act of 1797 provided for the artillery, that branch grew slowly. Figures for 1826, the year Secretary of War James Barbour made his survey, reveal 817 men in the artillery and 1,431 in the cavalry with a total militia of 34,297.²⁴ In 1830, there were forty-one regiments of infantry, seven of cavalry, and one of artillery. Enrolled in the artillery were 833 privates, 69 commissioned officers, 927 non-commissioned officers, musicians, and artificers for a total of 1,041. Overall strength of the militia was 49,211. Artillery pieces included two 6-pounders,

²⁰ *Charleston Gazette and Daily Advertiser*, September 9, 1797.

²¹ Military Affairs, Petition of sundry Citizens of this State and of the United States, Charleston, December 5, 1797, S. C. Archives.

²² *Statutes at Large*, VIII, 503-504.

²³ Thomas D. Condy, *A Digest of the Laws of the United States and the State of South Carolina, Now of Force, Relating to the Militia, Charleston, 1830*, p. 30.

²⁴ National Guard Bureau Annual Returns, Abstract of the Annual Return of the Militia of South Carolina for the Year 1826, National Archives.

eighteen 4-pounders, one 2-pounder, two 5½-howitzers, one 16-pounder, and seven 4-pounders.²⁵

Since the artillery usually lacked ordnance and ordnance stores, the private in the artillery provided his own gun. In 1823, the sheriff of Spartanburg sold a private's musket to satisfy an execution, and the case went to court. The law tested was the one exempting arms of a militiaman from execution (section sixteen of the Act of 1794). Justice Daniel Elliott Huger ruled that the man had to have his gun. The justice cited the "situation of the country, the improbability of artillery ever being used, and the necessity of employing constantly privates of artillery of the militia as patrols and on other duty."²⁶

Section five of the Act of Congress in 1792 gave instructions for colors and drums. The South Carolina law ordered fine money to pay for colors, drums, bugles, fifes, and trumpets; for the expense of carrying military expresses; and for arms and accoutrements of those unable to get their own. Fines were levied for failure to attend muster and for disobedience of orders while under arms. In the latter case, if a man did not pay, he went to jail until he paid his fine and the jailer's fees. However, at the end of five days or any shorter time, if he swore he could not pay, he was set free.²⁷

In meeting section six, South Carolina named Laurence Manning adjutant general. Soon after his election, Manning complained to Governor Arnoldus Vanderhorst that he had the "honor of being appointed Adjutant General without power." Although the law of Congress established certain duties, the militia law of South Carolina was "totally silent" and reduced the post to a "mere cipher." For example, Manning was required to make an annual return of the militia to the governor, but the law did not authorize him to apply to the different officers for their returns.²⁸

Whatever may have been Governor Vanderhorst's reply to Manning, the legislature at the 1795 session voted to pay the adjutant general \$1,000 a year if he attended the annual regimental reviews through-

²⁵ National Guard Bureau Annual Returns, Abstract of the Annual Return of the Militia of South Carolina for the Year 1830, National Archives.

²⁶ D. J. McCord, *Reports on Cases Determined in the Constitutional Court of South Carolina*, Columbia, 1823, II, 352-353.

²⁷ *Statutes at Large*, VIII, 490.

²⁸ Military Affairs, Letter from Laurence Manning to Governor Arnoldus Vanderhorst, December 3, 1795, S. C. Archives. Manning was correct. The only thing the law of 1794 says about the adjutant general is that he shall be elected by the legislature.

out the state.²⁹ In 1803, Congress passed a law requiring the adjutants general to make yearly returns to the secretary of war.³⁰

Section thirty-six of the South Carolina Act provided for officers a "small convenient pocket volume" containing a copy of the Act of Congress of 1792, Baron Steuben's military discipline, and the Articles of War. In 1795, General Pinckney wrote Adjutant General Manning that he was sending one of the books of rules ordered by the state in which no alterations had been made in Steuben except to meet the law of Congress and the militia law of the state. Pinckney noted that the exercises and evolutions for the cavalry had been inserted at the end without his authority. Since Manning had acted in the cavalry in the Revolution, Pinckney wanted him to say whether the rules were "agreeable to the practice of the late American army."³¹

South Carolina continued to furnish manuals for officers. In the 1826 report to the secretary of war, General O'Neill stated that "Rules and Regulations for Field Exercise and Manoeuvres of Infantry," a publication including plates and figures, formed the basis of training at muster.³²

Section nine of the 1794 Act ordered company muster six times a year and battalion or regimental muster twice a year. Exceptions were companies in Charleston, Georgetown, and Camden who trained every month. The number of training periods varied through the years, but usually the troops mustered by companies four times a year, by battalions once, and by regiments once.

The South Carolina legislature complied with sections eight, nine, and ten of the Federal Act. The last called for a brigade inspector. Section eight of the South Carolina Act gave this officer fifty pounds yearly exclusive of pay he would receive if called into actual service. In 1815, the state combined the duties of the brigade inspector with those of the adjutant general under the title of adjutant and inspector general.³³

Section eleven of the Act of Congress dealt with the volunteer companies which were independent of the common militia. They made their own by-laws, selected their name, designed their uniform, and decided their activities and interests. Probably volunteer companies are as old as the Carolina militia itself. The *South Carolina Gazette* for April 29,

²⁹ *Statutes at Large*, II, 36.

³⁰ Benjamin Elliott and Martin Stroebel, *The Militia System of South Carolina*, Charleston, 1835, p. ii.

³¹ Military Affairs, Letter from General Charles Cotesworth Pinckney to Adjutant General Laurence Manning, 1795, S. C. Archives.

³² *American State Papers, Military Affairs*, III, 405.

³³ Elliott and Stroebel, *op. cit.*, p. ii.

1732, carries an account of the Fort Folly Volunteers. This unit celebrated St. George's Day by storming Fort Folly in Charleston harbor. The twenty-five-member company embarked on transports with the guns from the merchant ships in the harbor saluting their departure.

"Adverse wind and tide" forced them to land two miles short of the fort. Unable to carry the heavy cannon, they "provided a sufficiency of small arms and great courage and marched to the gates of the fort with colours flying, drums beating, and trumpets sounding." After the second volley, the fort capitulated. Then the company marched to the battery where they celebrated each health with a round of cannon fire. Since they were still loyal subjects of the King, they drank to the "pious memory" of William III and to the prosperity of the House of Hanover.

Realizing the play-acting qualities of the volunteers, the writer in the *South Carolina Gazette* hoped the persons "engaged in the annual meeting" might direct themselves to some beneficial purpose that they might live to have "their praises sounded not by the voice of the Trumpet only."

South Carolina's first volunteer unit incorporated by an act of the legislature was an artillery company formed in Charleston in 1757. Christopher Gadsden was captain of the sixty-member organization,⁸⁴ and by the time Governor William Henry Lyttelton was ready to march against the Cherokees in 1759, Captain Gadsden had his company trained in the use of cannon and small arms.⁸⁵ He and sixteen volunteers from the Artillery Company rode with the expedition.⁸⁶ They wore their uniforms—"blue broadcloth coatees lappelled and cuff'd with crimson, crimson Jackets and blue Breeches with gilt Buttons, and Goldlaced hats."⁸⁷

When the South Carolina legislature passed the Militia Act of 1794, it repealed all other acts except such laws or parts of laws as respected the Charleston battalion of artillery.⁸⁸ This company did not lose its special status until an Act of 1815 took away its privileges.⁸⁹

The names the volunteer groups gave themselves reveal the shifts in politics. The Washington Light Infantry in Charleston was formed "during the flame of indignation" over the collision of the *Chesapeake* and

⁸⁴ *South Carolina Gazette*, August 4, 1757.

⁸⁵ *Ibid.*, July 5, 1759.

⁸⁶ *Ibid.*, November 1, 1759.

⁸⁷ *Ibid.*, August 18, 1757.

⁸⁸ *Statutes at Large*, VIII, 497.

⁸⁹ *Ibid.*, VIII, 531.

the *Leopard* off the capes of Virginia in 1807.⁴⁰ Another Charleston unit, the Fusiliers Francaises, served as a special guard of honor to escort the Marquis de Lafayette into the city in 1824.⁴¹ In the 1820's, Barnwell's 16th Regiment had the Independent Greens and the Republican Light Infantry.

In the 1830's, Columbia had the Palmetto Guards and the Richland Whigs. A member of the latter at the July 4, 1833, celebration offered this toast: "The President of the United States." There was silence until another member arose and proposed an amendment: "Whose power and profligacy have been such as to disgrace the Hero of New Orleans." This was "warmly adopted and drank with applause."⁴²

Two years later at the celebration of the sixtieth anniversary of the independence of the United States at Captain Savage's muster ground near Fork Shoals in Greenville District, this toast was read from the speaker's stand and followed by a round of pistol shots from Captain Savage's troop. "Andrew Jackson—No man can do the things he has done, except the people be with him; he is, in our affections, second to no human being living or dead save the Father of our Country, George Washington."⁴³ Volunteer companies in the District were named the Jackson Guards and the Morgan Blues.

Such units took pride in their performance. In the 1826 report, General O'Neill spoke approvingly of the groups, terming them "generally select men with esprit de corps" who regarded their uniform as a distinction and muster as useful and necessary.⁴⁴

By 1826, common musters were the subject of national contempt. One query on the questionnaire from the secretary of war reads: "From your experiences, are frequent musters advantageous to the great body of the Militia?" Answers from across the country declared them "useless," a "waste of time," "the object of derision."

Gradually, the change that took place was a shift to the volunteer system. Massachusetts shifted to volunteers in 1840; Maine and Vermont in 1844; and New Hampshire in 1851.⁴⁵ But South Carolina kept the mass militia. By the mid-1850's, many an editor in the state had drawn his bead on the militia organization, principally on muster.

⁴⁰ *An Historical Sketch of the Washington Light Infantry of Charleston, S. C.*, New York, 1875, p. 3.

⁴¹ *Ibid.*, p. 4.

⁴² *Columbia Telescope*, July 9, 1833.

⁴³ *Greenville Republican*, July 11, 1835.

⁴⁴ *American State Papers, Military Affairs*, III, 406.

⁴⁵ William H. Riker, *Soldiers of the States: The Role of the National Guard in American Democracy*, Washington, 1957, p. 29.

Virginia, the editors wrote, had abolished militia musters, the law to take effect after the year 1853. All persons liable for duty would register with the commissioners of revenue and, if they did not want to serve, would pay seventy-five cents a year to the sheriffs as other taxes were paid.⁴⁶ Some of the Carolina editors tried humor. An article in the *Edgefield Advertiser* for June 1, 1854, admits that for some people and in some localities petty musters might be pleasant.

But our experience confines us to some two old fields, well rooted by piny woods graziers—therefore quite holy—and unless you march with great circumspection, i.e., sometimes two feet in front of a regular zig-zag, or four feet in rear, you may run the chances of coming off the field with a sprained ankle or bruised nose.

But oh! crickey, these hog holes ain't a circumstance to the little saw briars which operate so powerfully on a fellow's shins that he has something to remind him of the next muster

But it may be well for the world that all do not think as we do. If they did, as a matter of course white cock feathers would fall, and the man who makes trumpets and Palmetto trees and buttons, and two-storied militia men's hats, would be thrown out of employment.

And then too there are a good many who like titles and would not have the chance of being captain or lieutenant in a beat company taken from them for the world. Turn it or twist it as we may, there is a mighty military feeling in our State

Oh! what a time, when the whole settlement is congregated—horses snickering—the fife and drum going—dogs barking—children crying—and when all is carried to the highest pitch, the solgers are drawn up into line, and ordered, ready, aim, fire, and to see them shoot with sticks, gunstocks and guns without locks, the scene is awfully terrific.

The editor of the *Columbia Carolinian* derided the "marchings, manoeuverings, and manual exercises" which were "bunglingly managed" and the privates who preferred a stick to a musket because it was lighter.⁴⁷

A few editors favored the system. The editor of the *Camden Weekly Journal* thought it burdensome in some respects but wanted it modified, not discontinued. Experience, he said, had taught him "that well enough had just as well be left alone, and perhaps a little better."⁴⁸

The South Carolina system remained the same although in 1859 a military commission appointed by the legislature submitted a plan to improve it. The organization would require one out of every seventeen

⁴⁶ *Sumter Banner*, May 17, 1853.

⁴⁷ *Sumter Banner*, May 10, 1854.

⁴⁸ *Camden Weekly Journal*, September 5, 1854.

white males, the last census showing a male white population of 134,466. Every man would be eligible for duty but could pay a tax rather than serve.⁴⁹

The legislature had taken no action when the War Between the States came. After the war, the law which reorganized the militia into the National Guard of South Carolina was approved March 16, 1869,⁵⁰ and put an end to the system established in compliance with the Congressional Militia Act of 1792. Congress must have known their system was weak. They proposed the use of undisciplined troops under the command of militarily ignorant officers. They allowed the states to have a say in military affairs and even went so far as to let the states commission the officers of the volunteers called into service in emergencies.

And yet the fuss and feathers and muster on the old fields must often have been a wonderful occasion. A writer to the *Daily South Carolinian* in November 1853, wrote thus:

The music playing, the drums beating, the plumes nodding, the tassels swinging, the eyes dimmed by the reflection of the sun from the shining epaulettes and gold and silver buttons carried us back in spirit to a time when we believed the militia the sure and steadfast dependence for our liberties to rest upon.⁵¹

COMMANDING OFFICERS OF SOUTH CAROLINA MILITIA—1794

First Division

Major General Andrew Pickens

Brigade I

Edgefield—Abbeville

Brigadier General William Butler

First Regiment—Col. John Norwood (Abbeville)

Second Regiment—Col. John Martin

Third Regiment—Col. Joseph Calhoun (Abbeville)

Fourth Regiment—Mey's (probably Col. Samuel Mays)
(Edgefield)

Fifth Regiment—Carter's (Edgefield)

⁴⁹ *A Plan To Improve the Present Militia System of South Carolina. Submitted at the Session of 1859 by a portion of the Military Commission, appointed by the Legislature of 1858, p. 4.*

⁵⁰ *Historical Annual of the National Guard of the State of South Carolina 1938, Baton Rouge, 1938, p. 56.*

⁵¹ *Columbia Daily South Carolinian, November 22, 1853.*

Brigade II

Laurens—Newberry—Dutch Fork

Brigadier General Levi Casey

Sixth Regiment—Upper Regiment of Newberry County

Seventh Regiment—Enoree Regiment (Upper Laurens)

Eighth Regiment—Lower Regiment of Newberry County

Ninth Regiment—Saluda (Lower Laurens)

Brigade III

Pinckney (Spartan—Chester—York)

Brigadier General Edward Lacey

Tenth Regiment—Trimmer (probably Col. Obediah Trimmer)

Eleventh Regiment—Col. John Mills (Chester)

Twelfth Regiment—Col. Andrew Love (York)

Thirteenth Regiment—Brandon's (probably Col. Thomas)
(Union)

Fourteenth Regiment—Col. Thomas Moore

Brigade IV

Washington (Pendleton—Greenville)

Brigadier General Robert Anderson

Fifteenth Regiment—Allston (probably Col. Lemuel)
(Greenville)

Sixteenth Regiment—Col. Eliab Moore

Seventeenth Regiment—Wood (probably Col. John)
(Greenville)

Eighteenth Regiment—Col. William Martin

Nineteenth Regiment—Clarke

Second Division

Major General Charles Cotesworth Pinckney

Brigade V

Orangeburg—Beaufort—Colleton County Regiment

Brigadier General John Barnwell

Twentieth Regiment—McPherson (probably Col. James Elliott) Prince William

Twenty-First Regiment—Rumph (probably Col. Jacob)

Twenty-Second Regiment—Sabb (probably either Thomas or William) St. Matthew's

Twenty-Third Regiment—Brown (probably either Charles or Charles J.) Barnwell

Twenty-Fourth Regiment—Fishburne (probably Col. Francis Beaty) St. Bartholomew

Brigade VI

Georgetown—Marion—Williamsburg

Brigadier General Peter Horry

Twenty-Fifth Regiment—Col. Robert Conway

Twenty-Sixth Regiment—Postell (probably Col. John)
Williamsburg

Twenty-Seventh Regiment—Baxter (probably Col. John)
Marion

Brigade VII

Charleston

Brigadier General William Washington

Twenty-Eighth Regiment—Lee (probably Col. Thomas)
St. Philip and St. Michael

Twenty-Ninth Regiment—Read (probably Col. Jacob)
St. Philip and St. Michael

Thirtieth Regiment—Vanderhorst (probably Col. Arnoldus,
Jr.)

Thirty-First Regiment—Glaze

Brigade VIII

Camden (Fairfield—Richland—Sumter—Lancaster—Kershaw)

Brigadier General Richard Winn

Thirty-Second Regiment—McCawley (Sumter)

Thirty-Third Regiment—Goodwyn (probably either John
or James) Richland

Thirty-Fourth Regiment—Dunlap (probably either Samuel
or Samuel C.) Lancaster

Thirty-Fifth Regiment—Col. Zach Cantey (Kershaw)

Thirty-Sixth Regiment—Pierson (Fairfield)

Brigade IX

Cheraw (Chesterfield—Marlboro—Darlington)

Brigadier General Tristram Thomas

Thirty-Seventh Regiment—Col. Thomas Evans

Thirty-Eighth Regiment—Col. Robert Ellison

Thirty-Ninth Regiment—Col. Calvin Spencer

LOYALISTS AND THE AMERICAN REVOLUTION:
THOMAS BROWN AND THE SOUTH CAROLINA
BACKCOUNTRY, 1775-1776.

GARY D. OLSON

(Continued from October)

Both the whigs and the tories recognized the potential of the Indians residing beyond the frontier. As a military force they could benefit whoever secured their allegiance. Both sides, therefore, made an active effort to win the tribesmen. Since the British, through their Indian agents, possessed the Indians' friendship when the conflict began, the whigs turned this fact into a propaganda advantage. In South Carolina the fear and anger generated by Arthur Lee's report of British plans to incite the Indians against the Americans was directed primarily against John Stuart, the British superintendent of Indian affairs for the Southern Department, residing in Charleston. Late in May 1775, when the news of Lexington had intensified the emotional atmosphere in South Carolina, Stuart was forced to flee leaving his family behind in Charleston.

Since the fear of an Indian attack served to rally the people to the patriot cause, the whig leaders encouraged the rumor. The rumor was that Stuart, on orders from Gen. Thomas Gage, had instructed Alexander Cameron, his deputy in the Cherokee nation, to rouse the Indians to attack the frontier settlements. A committee from South Carolina followed Stuart to Savannah and demanded to inspect all his personal and official correspondence. He refused their demand, but he did show them a copy of his letter to Cameron and the deputy's reply. Stuart had cautioned his deputy against "certain persons who might endeavour to alienate the Cherokee's affection from His Majesty," and instructed him to use his influence "to dispose those people to act in defense of His Majesty and Government, if found necessary." Cameron replied that Stuart was more beloved by the Cherokees than any other man, and that he, Cameron, "had the vanity to think that he could head any number thought proper, when called upon in support of His Majesty and Government."¹ The whig committee construed these statements as confirmation of the rumored British intentions concerning the Indians, and Stuart was forced to flee from Savannah to St. Augustine. From there he again assured the

¹ Extracts of John Stuart's letter to Cameron and Cameron's reply, February 1775, included in a letter from Charleston, dated June 27, 1775, *American Archives, Fourth Series*, ed. Peter Force, Washington, 1839, II, 1111.