The Houstouns of Georgia

Johnston, Edith Duncan, Houston, Rab

Published by University of Georgia Press

Johnston, Edith Duncan and Rab Houston.
The Houstouns of Georgia.
University of Georgia Press, 2021.

For additional information about this book
https://muse.jhu.edu/book/97982
Chapter VI

PATRICK HOUSTOUN'S PUBLIC LIFE

At the time Patrick Houstoun made his entry into political life, the civil government of the colony was undergoing a period of transition.

In the year 1750 the President of the colony, William Stephens, was too infirm to continue the responsibility of managing its affairs, and realizing his feebleness, he retired to his plantation Bewlie and received a pension of eighty pounds per annum from the Trustees. He died in 1753. Henry Parker was appointed Vice President and with his assistants assumed charge of the province. His commission for president arrived in June of that year. "The same day provision was made for holding at Savannah between Michaelmas and Lady Day next, an assembly of the people of Georgia to propose, debate and represent to the Trustees, what shall appear to them to be for the benefit of the Province in general." The Trustees thereupon adopted a resolution, and rules were issued for the "selecting of delegates to a provincial assembly to convene at Savannah on the 15th of the following January. Sixteen delegates were to compose that assembly, and they were proportioned to the population of the different parishes or districts." The Assembly was to meet at Savannah once a year at such time as should be designated by the President of the colony and his assistants. It was to remain in session not longer than one month.

No law could be enacted by the Assembly as that privilege was vested solely in the Trustees, but the deputies were empowered to discuss and suggest to the latter "such measures as they might deem conducive to the welfare of particular communities and for the general good of the province." Every town, village, or district in the province containing a population of ten families was empowered to send one deputy. Any settlement

1. Jones, History of Georgia, I, 432.
2. Ibid., 434.
embracing thirty families could send two delegates. Savannah was allowed four delegates. At first no qualifications were required of the representatives. By June, 1751, however, "no inhabitant could be elected a deputy who had not one hundred mulberry trees planted and properly fenced upon every tract of 50 acres he possessed." From and after June, 1753, no one was capable of being a delegate who had not conformed strictly to the prescribed limitation of the number of Negro slaves in proportion to his white servants, who had not in his family at least one female instructed in the art of reeling silk, and who did not produce annually fifteen pounds of silk for every fifty acres of land owned by him. "Such," writes a famous Georgia historian, "were the curious qualifications prescribed for membership of the first quasi-deliberative, quasi-legislative body which ever assembled in Georgia. They were evidently intended," he continues, "to stimulate the production of silk, that commodity which blinded the eyes of the Trustees and warped their judgment in directing the industrial pursuits of the colonists."

Patrick Houstoun was elected to represent the Vernonburg District, and, presumably, he continued a member of the Provincial Assembly until it was succeeded by the Royal Council of which he was one of the charter members. The district which elected Patrick Houstoun as its representative had an interesting history. It was settled in 1742 by a colony of German-Swiss who had served as indentured soldiers of General Oglethorpe's Regiment. Patrick Houstoun's lands lay south of Vernonburg, but after Georgia became a Royal Province, an act was passed in 1755 which provided that the Southern District of Savannah should include certain villages and the lands beyond the settlement on the Vernon River.

The first Provincial Assembly convened in Savannah on the day appointed, January 15, 1751, and continued in session for nearly three weeks. "After an exchange of courtesies with Vice President Parker, the assembly proceeded to business."

3. Ibid., 435.
ing within the powers which had been given the Assembly it
made a report under the "heads of grievances," which was con-
sidered necessary for the welfare of the colony. The eleven
grievances which the deputies thought remediable were: a proper
pilot boat; a building under the Bluff for the convenience of boat
crews, Negroes, etc.; standard weights, scales, and measures; a
survey of the river; a commissioner to regulate pilots and pilotage;
an order to prevent masters of vessels from discharging ballast
into the river; an inspector and sworn packer to examine the
produce of the colony; a clerk of the market; suitable officers
to command the militia; and repairs to the courthouse.5 The board
(the President and Assistants) answered the report by giving as-
surance that it would comply with the presentments as soon as
possible, with the exception of those that had to be referred to
the Trustees: the pilot boat and the standard weights and meas-
ures for which the board had already made application to the
Trustees.

Before adjourning, the assemblymen submitted an address to
be sent to the Trustees calling attention to important matters in
the affairs of the colony, one of which was "Objections to annex-
ing Georgia to South Carolina," which, if enacted, the deputies
set forth, "would reduce it [Georgia] to the same desolate con-
dition in which the Southern parts of South Carolina were before
the Establishment of Georgia."6

In compliance with the request that suitable officers be com-
misioned to command the militia, President Parker and his
assistants acted, on the following April, by organizing the militia
of the province as Oglethorpe's Regiment had been disbanded.
Male inhabitants possessing three hundred or more acres of land
"were ordered to appear, well accoutred and with horses to be
organized as cavalry." Those men who were possessed of a
smaller number of acres were armed as infantry. A general muster
in the lower districts was held at Savannah on June 13, 1751,
"When about two hundred and twenty men, infantry and cav-
ally, armed and equipped, paraded under the command of Cap-
tain Noble Jones."7 As Patrick Houstoun owned more than three

6. Ibid., 437.
7. Ibid., 439.
hundred acres and as he had already held commissions in Oglethorpe's Regiment, it is hardly questionable that he responded to orders which seem to have been obligatory.

In the year 1751 Patrick Houstoun's position underwent a marked change. Then he rose from a landed proprietor to a titled gentleman in the realm of Great Britain. On the death in Scotland of his second cousin, Sir John Houstoun, fourth baronet, he succeeded to the baronetcy. The fourth baronet died without male issue on July 27, 1751. It was not necessary for the successor to a title to go to Scotland to make good his claim; so it was through correspondence, presumably, that Patrick Houstoun received the title conferred first upon his grandfather.

The news of his elevation to a titled man must have reached Patrick Houstoun a few months after the death of his second cousin. He is mentioned next in the public records of the Royal Council as "Sir Patrick Houstoun, Baronet."

* * * *

After accepting his appointment as deputy to the Provincial Assembly from Vernonburg, Sir Patrick Houstoun never returned to private life. His next public duties took him into service for the Crown.

The charter granted by George II to the Trustees for Establishing the Colony of Georgia was for twenty-one years and was to expire on June 9, 1753. Because of the force of circumstances relating to the maintenance of the colony the Common Council of the Trustees memorialized the Lords of His Majesty's Privy Council. Expressing the desire of the Trustees to surrender their charter and thereby to relinquish all responsibility, they asked that Georgia be made a separate and independent province of the Crown.

The proper formalities having been carried out, His Majesty agreed to accept the surrender upon the suggested conditions. The Trustees in London held their last meeting on June 23, 1752, and

8. Authority of the Lyon-King-at-Arms in Scotland. "A note in the printed Complete Baronetage states that Sir Patrick went to America taking with him portraits of his father and mother as also of his grandfather 1st. Baronet." Letter to the author from Millar and Bryce, May 9, 1934.

Patrick Houstoun’s Public Life

on that day Georgia became a Royal Province. “By the terms of the surrender her integrity as an independent province, separate from South Carolina, was fully assured, and all grants of land hitherto made to the inhabitants were recognized and protected.”10 A proclamation was issued by the Privy Council that until the King should establish another form of government in the province, all those holding appointments, both civil and military, should continue in office. By March, 1754, the Board of Trade submitted a plan for a civil government in Georgia which was approved, and on August 6 of that year Captain John Reynolds of the British Navy was appointed the first Royal Governor of Georgia.

At the same time other officers received their warrants direct from the Crown, among them Sir Patrick Houstoun, Bart., who was selected as Register of Grants and Receiver of Quit Rents, with a salary of fifty pounds a year. Patrick Graham, the former President of the Colony, Sir Patrick Houston, Bart., James Habersham, Alexander Kellet, William Clifton, Noble Jones, Pickering Robinson, Francis Harris, Jonathan Bryan, and William Russell were all confirmed as members of the King’s Council. Henry Yonge and William deBrahm11 were commissioned as “Joint Surveyors of Land in Georgia.” James Habersham was appointed secretary and register of records; William Clifton, Attorney General; Alexander Kellet, provost marshal; and William Russell, naval officer. Those men were the official associates of Sir Patrick Houstoun, and doubtless many of them were his personal friends.

Governor Reynolds arrived in Savannah on the man-of-war Port Mahon on October 29, 1754. He was welcomed and greeted with the usual demonstrations of the times. “Bonfires at night supplemented the general delight which was manifested during the day. After a formal introduction to the president and assistants in council assembled his commission was read. He was then conducted to the president’s chair whence he announced the dissolution of the old board and the formation of a royal council under letters-patent from the Crown. The next morning, the members of the council took the oath of office and completed

11. Some historians use the capital “D”, but deBrahm’s signature in his History of the Province of Georgia shows the small “d”.

The Houstouns of Georgia

their organization. Other officers, named by His Majesty, were sworn faithfully to perform the duties devolving upon them. His commission as captain-general and vice admiral of the province was 'read and published at the head of the militia under arms before the council chamber. It was listened to with profound attention and saluted with several rounds of musketry and shouts of loyalty.' A public dinner, given by the members of council and the principal inhabitants of Savannah in honor of the governor, closed the public exercises of the occasion, and the province passed thus simply and joyously from the hands of the trustees into the direct keeping of the Crown.'

The Governor and Council held their first meeting in a house on the southern trust lot on Abercorn and Duke Streets facing west on the square, later named in honor of the first Royal Governor. That something of a catastrophe overtook the Crown dignitaries during one of the early meetings is gleaned from a letter written by Reynolds to the Board of Trade in December of that year, when he reported officially on Savannah and the Council. Part of the letter reads: "... The town of Savannah is well situated and contains about a hundred and fifty houses, all wooden ones, very small and mostly very old. The biggest was used for the meeting of the President and Assistants, wherein I sat in Council for a few days, but one end fell down whilst we were all there, and obliged us to move to a kind of shed behind the Court House, which being quite unfit, I have given orders, with the advice of the Council, to fit up the shell of a house which was lately built for laying up the silk, but was never made use of, being very ill-calculated for the purpose as Mr. Ottolonghe informs me, wherefore he says he has no further use for it, but it will make a tolerable good house for the Council and Assembly to meet in, and for a few offices besides." What a dire misfortune to occur after the auspicious inauguration of the first Royal Governor, and what an unexpected interruption to the proceedings of the Governor and Council suddenly to have a part of the room give way! It was no mean walk then from the Council House to the Court House which was several blocks away.

12. Jones, History of Georgia, I, 469.
13. Ibid.
The legislative body of the province was to consist of three branches: the Governor and his Privy Council, or King's Council, which acted in an advisory capacity, and to which the Governor could refer his instructions or not as he pleased; the Upper House, and the Lower House, with the Royal Governor chief over all. He held the title "Captain-General and Governor in Chief of his Majesty's Province of Georgia and Vice-Admiral of the same," and was addressed as "Your Excellency." 14

Sir Patrick, as required of the other members of the Council, took the prescribed oath swearing true and faithful allegiance to King George II, to his heirs, and to Governor Reynolds; to serve his King and promote the "Good of His Majesty's Affairs" with the best advice and counsel; to defend to the best of his ability the province from all "Foreign Invasions, and intestine Insurrections;" not to "Countenance or conceal any treasonable or seditious Speaches against His said Majesty;" not to reveal directly or indirectly the secret debates of the Council. 15

As a member of His Majesty's Council, Houstoun served under the three Royal Governors and, for all save four months of the seven years of his membership in the Council, he was President of that body, and also of the Upper House of the Assembly. But for circumstances concerning the change of executives, he would have been, for a short period at least, acting Governor.

When George II appointed the members of the Council, the first name on the list was Patrick Graham. Precedence was given to him of course, as he was at that time President of the colony. According to the rules of the new government, the senior member of the Council became its President, and President of the Upper House of the Assembly as well. If the Governor was absent, provision was made for the President of the Council to take his place, and act in the capacity of Governor. The second name on the list of Council members was that of Sir Patrick Houstoun, Baronet, and when Patrick Graham died in May, 1755, Patrick Houstoun, by virtue of his being the senior member, took his place. He held the office until his death in February, 1762. The name that appeared third on the list was that of James Habersham, and on the death of Sir Patrick Houstoun, he was advanced

automatically to the presiding officer of the Council and ruler over the Upper House, serving those bodies as did his two predecessors. James Habersham, because of his office as President of the Council, became acting Governor from July, 1771, until February, 1773, during a visit of Governor Wright to England.

In November following his elevation to the office of President of His Majesty's Council, Sir Patrick was selected, with two of his associates, to accompany Governor Reynolds on a visit to the town of Augusta. It was frequently noted in the Proceedings of the Governor and Council that presents were sent from the King to pacify the Indians and keep them in a friendly attitude toward the colony. At a meeting of the Council held on November 7, 1755, Governor Reynolds requested three members of that body to accompany him to Augusta, where he was going to distribute "His Majesty's Presents" among the Indians. The Council responded by naming Patrick Houstoun, James Habersham, and James Powell.¹⁶

The delegation did not make the trip until the following month. Reynolds waited ten days in Augusta for the various chiefs to assemble and then he was called back suddenly to Savannah on an important business matter. The records do not state whether or not the three members of the Council returned with him or remained in Augusta, but the Governor did appoint his private secretary, William Little, a surgeon in the Royal Navy, whom he had made chairman and agent of Indian affairs, to represent him and make the addresses he had prepared. The Indians were placated with gifts and they renewed their pledge of allegiance to the Colony of Georgia.

It was Dr. Little who was the cause of Governor Reynolds's unpopularity in the province. When the latter was recalled after two years, on charges preferred against him by the colonists, he was relieved by Henry Ellis, sent to Georgia as Lieutenant Governor, but commissioned Governor a year later. As it happened, he reached Savannah on February 16, 1757, before Reynolds left. Had there been an interim between the departure of one and the

arrival of the other, the governorship unquestionably would have devolved upon Sir Patrick Houstoun.

Governor Ellis found the climate of Georgia unsuited to his health, and asked the home government to relieve him of his duties. The Crown’s next choice was James Wright, a resident of Charles Town, who was appointed Lieutenant Governor.\textsuperscript{17} Wright arrived in Savannah November 2, 1760, and Ellis left the same day. Again but for the circumstance of the two governors exchanging office on the soil of Georgia, Sir Patrick would have been in full control of provincial affairs.

For a few days, however, Sir Patrick was the Governor’s representative in Savannah. Two months after Governor Ellis assumed office, he found it necessary to visit the Southern District of the colony, and made his plans to depart April 20. Before leaving, he informed the Council that he had made provision against any matters needing attention during his absence, arranging for the senior councilor to call a meeting of the Council if he deemed it necessary. He then read a letter of detailed instructions addressed to Patrick Houstoun who was to act for the Governor in his absence.\textsuperscript{18}

Since Ellis was present at the next meeting of the Council, the Governor was absent from Savannah not more than ten days. In that interval, however, Sir Patrick was authorized to act in his stead, if required. He was entrusted with the duty of opening important dispatches from the King, and of calling the Council together if the instructions needed the advice of the whole body.

A review of the Proceedings and Minutes of the Governor and Council shows that there were frequent meetings of that body, the Governor always being present. More often than otherwise, the business consisted of the reading of petitions from various colonists “praying” for new tracts of land. Members of the Council came in for their holdings, and Houstoun was no less a petitioner than most of his fellow-members of Council.

Many times the Council received delegations of Indians to air their grievances, sometimes against traders and sometimes to inform the Governor of the interference of the French who were

\textsuperscript{17} On March 20, 1761, James Wright was advanced to the full governorship. \textit{Ibid.}, II, 26.

\textsuperscript{18} \textit{Colonial Records of Georgia}, VII, 544.
endeavoring to sever the alliance between the English colonists and their red neighbors. At other times there would be communications from the Governor of South Carolina relating to similar questions.

Council met frequently, the Governor calling his advisors together fifty, sixty, or eighty times a year. The list of those present always preceded the record of the minutes, and Sir Patrick Houstoun’s name invariably followed that of the Governor’s, if present, as senior member of Council and as President.

Sir Patrick’s attendance at the Council meetings appears, by reference to the records that are extant, about equal to the other members’. In his six years, his average was nearly fifty-nine per cent, if the secretary’s records are held correct. That speaks fairly well for a country gentleman when it is realized he was the presiding officer of the Upper House which held separate meetings and met almost daily when the General Assembly was in session.

One interesting public event that occurred while Sir Patrick Houstoun was a member of the Council and for which he gave his vote was the issuing of a proclamation for the observance of a public day of Thanksgiving, twenty-six years after Oglethorpe landed on the soil of Georgia. On November 13, 1759, Council met as usual. The Governor presided and the Councilors present were: Sir Patrick Houstoun, Jonathan Bryan, James Mackay, James Edward Powell, William Clifton, and William Knox. It was unanimously agreed that “Wednesday the fifth day of December next, be observed as a publick Day of Thanksgiving throughout this Province for the late glorious Successes attending His Majesty’s Arms both by sea and Land.” That was the time of the French and Indian War and the successes pertaining thereto, but before the fall of Quebec, which decided the issue. When the news of that victory reached Savannah some months after it occurred, Council ordered the observance of another day of Thanksgiving which was held on December 7, 1760. The first observance in 1759 may be styled the “first Thanksgiving Day” in Savannah.

Under the government of the Royal Council all of the land grants from the Trustees had to be reconveyed to the original grantees. The usual form was the petitioning of the owner to the Council for possession. On November 7, 1755, the Royal Council reconveyed "To Sir Patrick Houstoun, Bart. Five Hundred Acres of Land situate on a point of land between Vernon River and a branch of the Little Ogeechee bounding East and West on the said Rivers and the Marshes of the same, South on a Creek leading from Vernon River and the Little Ogeechee and North on Lands granted to James Houstoun."20

Sir Patrick’s duties as a member of the Royal Council did not interfere with the cultivation of his lands. An early venture of the colony, one on which the Trustees built great hope, was the promotion of silk culture. The experiment was not successful, and as late as the year of the surrender of their Charter, the Trustees “had succeeded in raising scarcely a thousand pounds of raw silk” while their expenditures reached the sum of nearly fifteen hundred pounds. Bounties and awards having been offered, many plantation owners expended a great deal of labor in the production of cocoons; and during the Crown’s administration Patrick Houstoun was the recipient of the first prize given to the person who had planted and fenced the greatest number of mulberry trees. His award followed a report of the contest, dated May 20, 1756, and sent over the signatures of James Habersham and Joseph Ottolonghe to William Shipley, Secretary of the “Society for the encouragement of Arts Manufacture and Commerce” in Craigs Court, Charing Cross, London. After “mature consideration” Houstoun was adjudged the planter entitled to the premium of £10.21

While Sir Patrick was President of the Council there occurred many “Talks” with the war lords of the Indian Nation. Of much significance, was the “grand conference,” which took place on November 3, 1757. Houstoun was present, and on the written contract entered into by the Council and the Indians, his signature appeared after that of Governor Ellis’s, followed by that of

21. Georgia Historical Collections, VI, 9, Letters of James Habersham.

Joseph Ottolonghe was in charge of the silk culture. He had acquired a knowledge of the best method of conducting filatures. Jones, History of Georgia, I, 460.
James Habersham, Secretary. Next to sign were the "heads" of twenty-one different towns of the Upper and Lower Creeks. While the conference was in session the Council Chamber in Savannah was thronged with the townspeople "who attended with anxiety" to learn the outcome "upon which the tranquility of the Province depended." At the north the French and Indian War then in progress, and the activity of French spies in the "back country" among Georgia's Indian allies, kept the colonists constantly solicitous of their welfare. The agreements pledged that day resulted in the province's retaining the old alliance with her Indian neighbors.22

When the Crown of England took over the direction of Georgia, a complete form of legislative government was laid out, similar to the one in use in the other provinces of the King. It was vested in three branches: an executive, who was the Royal Governor; his Advisory Council, also called His Majesty's Council; and the General Assembly, or the Royal Legislature. When the King's Council was sitting without the Governor, it was called the Upper House of the Assembly; and the Lower House, when it convened at the call of the Governor, was known as the Commons House of Assembly. The latter sometimes designated itself as the House of Representatives. The two houses together constituted the General Assembly.

The Governor and Council remained in charge from October 31, 1754, to January 7, 1755. There is no statement that has been found in the Proceedings of the Governor and Council to indicate that there was a resolution passed to organize the General Assembly; however, history shows that it did come into being on the latter day and year. From other references the supposition is that the Governor summoned the electors of the people to come to Savannah for the above purpose, and to take their place in the provincial government to enact laws for the betterment of the province.

On Tuesday morning, January 7, 1755, there were assembled in the Capital, to form the Lower House of the Legislature the eighteen newly elected legislators for the town and district of

22. For full account of the conference see Colonial Records of Georgia, VII, 644-648.
Patrick Houstoun’s Public Life

Savannah; the towns of Abercorn and Goshen; the islands of Skidaway, Wilmington, and Green; the town and district of Ebenezer; the district of Vernonburg; the district of the Great and Little Ogeechee; the town and district of Halifax; and the district of Midway.

It is interesting to read the names of those early electors, as many of them were prominent in the life of the colony. They included Dr. Noble Wimberly Jones, Esq., the son of Noble Jones, who was a member of the King’s Council; James Houstoun, a younger brother of Sir Patrick, it is thought, who sat also in the Assembly; Lewis Johnston, a noted physician of Savannah; Joseph Ottolonghe, who was in charge of the silk culture and the filature, having received his training in Italy; Henry Yonge, one of the surveyors with deBrahm; and there were three prominent citizens of Ebenezer, George Cuthbert, Clement Martin, later a member of the King’s Council, and James DeVeaux.

Shortly after assembling, two of the legislators were sent to apprise the Governor in the Council Chamber that those who had been duly elected were present, and would be pleased to know when he would be attended by the said gentlemen, that they might take and subscribe the oath. Governor Reynolds was sitting with his Council and Sir Patrick Houstoun was present. The Governor, on receiving the message of the legislators, ordered them to the Council Chamber where they took the State Oaths appointed by law and declared and subscribed the Test. Following that he instructed the members to withdraw and elect their Speaker. Soon afterward the Governor received a second message that the Lower House had elected David Douglas, of Augusta, as their Speaker. The legislators returned to the Council Chamber accompanied by their Speaker. He was presented and approved by His Excellency. Douglas then requested the Governor, in the name of the House of Representatives, “That they might have free access to His Excellency’s person, Liberty of Speech, Protection for their Persons and that the Imperfections of the Speaker might not be imputed to the House.” The Governor replied all would be granted that would be consistent with His Majesty’s instructions.

23. Dr. Lewis Johnston later was connected with the Houstoun family through the marriage of his nephew, Colonel James Johnston, Jr., to Ann Marion Houstoun, granddaughter of Sir Patrick Houstoun.
The Governor was sitting with his Council when the members of the Lower House joined them. "He made an inaugural address which was complimentary and conciliatory," addressing them as "Gentlemen of the Council and of the Assembly." His speech is printed in the proceedings of both houses. At the conclusion of his address, the Governor withdrew, and the Lower House filed out to its own room. Each House then proceeded to organize for business. The Journal of the Upper House states that "Mr. President," Patrick Graham, took the chair. Both houses offered, by resolution, their thanks to the Governor for his address, and in the Upper House, Sir Patrick Houstoun, Alexander Kellett and Francis Harris were ordered to prepare the address for that body. Two days later all of the members of the Upper House, on receiving a message from the Governor that he was ready, repaired to the Governor's room and the address was read to him.

It was unfortunate that the duties of the two houses were not clearly defined at the time of the formation of the Assembly, as it would have averted some of the trouble that ensued. From the beginning the Commons House of Assembly denied the right of the Council to call itself the "Upper House of Assembly," but continued to speak of it as "the Council," claiming the members had been appointed to hold only advisory powers. It was not until a few years prior to the Revolution that the Lower House recognized the Upper House as such, with the right to inaugurate measures. At first the Lower House reserved to itself the prerogative of originating all bills, insisting that the Upper House endorse them, and gave it the right to suggest amendments, but not to pass them.

One of the first and most important acts passed by the General Assembly provided for the regulation of the militia for the security and defense of the province; and another was one "empowering surveyors to lay out public roads in Georgia to facilitate speedy communications between the inhabitants residing in distant parts of the province and providing for the establishment of ferries." Not only was Sir Patrick Houstoun interested in those pro-

25. Ibid., 479.
jects from a personal standpoint, as his plantation lay some distance from the town on one of the waterways leading to the sea, but his concern also was official, as he was selected one of a committee to act for the Assembly. But three years passed before that body carried into effect the preliminaries necessary for further fortifying the province.

In July, 1757, Sir Patrick was appointed one of the commissioners “for building such forts as shall be planned and designed for the respective commissioners,” the rest of the act reading: “for the town and District of Savannah, and as far westward as Abercorn Creek, Southward as Great Ogeechee River and East the Sea, including the Islands as far South as Ossabaw Inlet.”

The name of “The Honorable Sir Patrick Houstoun, Baronet” as a commissioner for the town and district of Savannah was mentioned first and the others were James Habersham, Francis Harris, Jonathan Bryan, James Edward Powell, William Clifton, William Knox, Noble Jones, Esquires (all members of the Council), and others.  

In January of the previous year Governor Reynolds had sent a report to the Board of Trade in London, which showed the weak condition of the province for defenses; at the same time he submitted a detailed and comprehensive plan indicating where fortifications should be erected both for land and for sea protection, the former including forts on navigable rivers. The report included the descriptions of how certain forts should be built, the necessary repairs on those already in existence and how they had fallen into disrepair, and the required number of guns for each, with specifications amounting to an expenditure of twenty-eight thousand pounds.

The matter of the roads seems to have attracted earlier attention, and some action was taken. In March, 1755, the Royal Legislature appointed Sir Patrick Houstoun and five other surveyors for the Southern District. The road to Vernonburg and the adjacent village, later known as White Bluff, came into consideration in an act that was passed by the Assembly late in 1756 and approved by the Council the following January. The act set forth that many of the inhabitants who were settled on the

26. Colonial Records of Georgia, XVIII, 204, 205.
southern frontier, and who were obliged to attend the Assembly and the general courts in Savannah, were put to great inconvenience because there was no road to open communications from the town to the Ogeechee River. Complaining that the number of inhabitants who were obliged to work on the southwest road was too small, the legislators drafted the act for the purpose of making available for work on this road all who were liable for duty on the southeast and southern roads in addition to those who lived in several other places. The act specifically exempted from duty on the southwest road Patrick Houstoun, his servants and his slaves.  

As already observed, the presidency of His Majesty's Council imposed no severe duties upon Sir Patrick Houstoun, because the Governor was always in the province while the former held office and presided at all meetings. Sir Patrick's duties as a member of the Council required of him mainly the obligation of attending the meetings, giving his advice and voting on the consideration of important matters brought before the Council by the Governor.

The above situation did not obtain, however, when Sir Patrick was sitting as President of the Upper House of the Assembly. There he was the executive, and his office as President automatically made him the presiding officer of the senior body of the Royal Legislature. Sir Patrick Houstoun did not become President of the Council until the first of June, 1755, on the death of Patrick Graham who held the office when the new government came into being, October, 1754, (Council) and January, 1755, (General Assembly).

The Upper House of Assembly held a somewhat anomalous position because of the refusal of the Lower House to recognize it as anything more than an advisory Council to the Governor, for which purpose the Lower House insisted it was formed. The latter house, however, granted to the higher body the right to "suggest such amendments as in their judgment would improve the proposed laws."

28. Colonial Records of Georgia, XVIII, 6, 182, 183. After a bill had passed both houses, it was sent to the Governor for his approval, following which it was sent to London to be passed upon by the King and his Council there.
Only one course could follow upon such a situation, and that was a feeling of antagonism on both sides. There was the Governor and Council which had governed Georgia for over two months on one side, and eighteen gentlemen elected by the people on the other side, to form the legislative body which was to govern Georgia for the future. There were in both houses friends sitting in different branches, and, in some instances, there were relatives; namely, Noble Jones on the Council and his son, Dr. Noble Wimberly Jones, in the Commons House, and Sir Patrick Houstoun in the Council and his brother, James, in the Lower House. At times the atmosphere must have been electrically charged; nevertheless, the enactments for bettering the condition of the province continued, and committees from each house met and worked, at least it is hoped, in harmony.

It is not the purpose here to give a synopsis of all the business transacted in the Upper House while Sir Patrick Houstoun was its president—that would belong to a history of the province—but to give glimpses of the part taken by him while he was the presiding officer of that body.

When the General Assembly was in session, the Upper House met daily, as did the Lower House, and the passing back and forth of bills and messages continued all through the meetings. In addition, joint conferences were requested from each House when the occasion demanded, and they were usually held.

At the third meeting after the General Assembly was organized, the Upper House asked the Lower House for a conference relating to the tenure of lands; and the President, Patrick Graham, appointed Sir Patrick Houstoun, Noble Jones, and Jonathan Bryan the committee to confer with the other house. The following day Sir Patrick reported to his house that the committee had met and had agreed on all resolutions save one. The report is not printed in the Journal.

Sir Patrick Houstoun's name appears on several of the committees for that session, and he was also appointed to deliver messages to the Lower House, and sometimes to the Governor.

That first session of the General Assembly adjourned in February and before it convened for the second time in November, 1755, Patrick Graham had died and Sir Patrick Houstoun became President of the Council, which had held many meetings in
The Houstouns of Georgia

the interim. When the General Assembly was called to meet on the first day of December, the Upper House also assembled and the minutes note that “Mr. President” took the chair after the Governor had delivered his address before both houses. No mention is made of the death of Graham or the name of his successor, but by November 4 an address was sent to the Governor and Sir Patrick Houstoun signed his name as President. At no other time does the President’s name appear in the minutes, but when there was a joint address written the Speaker of the Lower House signed his name below that of the President of the Upper House. By way of comment, the secretary’s name was signed to the minutes only when the house adjourned. No names were listed of those present at the meetings. When messages from representatives of the King were received by the Governor, they were regarded as orders from the Crown and it was to his Advisory Council, sitting as the Upper House, that His Excellency sent the communication upon which action was taken.

An amusing touch was given to the dignified minutes of the Upper House when at its meetings on June 21, 1757, the committee for preparing rules and orders for regulating the proceedings of the house made its report. Acting on the recommendations of its committee, the house adopted fifteen rules of procedure. Three of them referred to the presiding officer, the first instructing him to uncover when addressing the house. The second rule required those members who arrived late to make “an Obeysance to the chair” before taking their seats, while the third aimed at preventing disorder by compelling those who would go from one side of the hall to the other to make “an Obeysance to the Chair.”

Once the President was ordered by the house to reprimand absent members by the following resolution: “A motion was made and Agreed to—That letters be sent to Jonathan Bryan and James Mackay Esqrs from the President requiring their attendance.” Those gentlemen were his personal friends, in all probability, and a formal reminder, signed officially, perhaps served to carry out the injunction. At any rate both of those gentlemen later served on important committees and their non-attendance was only a slight offense.

29. Ibid., XVI, 117ff.
Whenever the Governor sent a message, "the President acquainted the House that he had a message from his Honour the Governor to this House signed by his Honour which he [the President] was directed to lay before this house." Sometimes it was a notice to adjourn the house; at others it was for the purpose of assembling his Council, and often it was to present official communications from England. When an address was made to the Governor, it was presented sometimes by the clerk of either house, by both houses in a body, or by the President of the Upper House in person; or, if in the Lower House, by the Speaker.

The duties assumed by Sir Patrick Houstoun on November 1, 1756, as President of the Upper House of Assembly, continued uninterruptedly for six years.

* * * *

It was in the second year of Sir Patrick Houstoun's presidency of His Majesty's Council and of the Upper House that an event occurred in his life which must have caused him embarrassment and extreme annoyance. "One Mungo Graham" through a petition presented to the Lower House caused what Sir Patrick "apprehended" a reflection on his character. In the end Houstoun was entirely cleared, but the proceedings in the two houses covered a period of nearly three weeks, while the scene shifted from one house to the other. During that time Sir Patrick must have been in a state of continuous irritation over an assault on his character which undoubtedly came as a complete and unexpected surprise.

The troublesome business was first brought to light on January 18, 1757, when in the Lower House a petition from Mungo Graham was read charging that Houstoun had "possessed himself" of a commission addressed by the Trustees to Patrick Graham authorizing the latter to evict the Reverend Thomas Bosomworth from lands which Bosomworth claimed had been granted to him by the Lower Creeks. The petition requested that Houstoun be called on in the interest of the "Publick Good" to deliver to the House the commission he was charged with holding.

30. The story of the case will be found in Colonial Records of Georgia, XVI, 140-155.
When that piece of information fell upon the ears of the members of the house, it must have surprised them to hear such aspersions cast upon an officer of the Crown and a man long resident in the province. No mention is made of the reception given to the petition, but a resolution was passed immediately “That the said Mungo Graham attend this House to be examined Concerning the several matters alleged in his Petition.”

Mungo evidently was waiting patiently outside hoping to be summoned before the house, as the next item in the minutes states that “he attended accordingly and answer’d the Questions put to him by the House, and then he withdrew.” Upon his departure the delegates spent much time considering the petition. They ended by dispatching a request to Governor Reynolds, “that he will be pleased to give Directions to the said Patrick Houstoun to lay the said Commission before this House.” His Excellency returned the verbal message that he was “pleased to Answer that he would give directions accordingly.” Immediately after the reading of the minutes in the Lower House the next morning, Sir Patrick Houstoun arose and denied having seen “such a Paper,” explaining that he did not “believe any such Commission was in being.”

Following Houstoun’s refutation, Mungo Graham was called into the house. Upon examination he declared that he had seen the commission, read it and believed that it had been signed by Harmon Verelst, accountant for the Trustees. He was not certain whether it had been issued in 1752 or in 1753, but he explained that Patrick Mackay, a Mr. Cuthbert, and John Graham knew of Houstoun’s receipt of the commission. Moreover, Mungo Graham declared he had asked Houstoun for a copy of the document to which statement the latter had replied that “it must never see the light more,” a response which, it may be surmised, caused Graham to conclude that Houstoun had “possessed himself of the commission.”

The next step in the proceedings was a message from the Upper

31. Who the said Mungo Graham was and whether or not he was any relation to the late President of the King’s Council, Patrick Graham, research has failed to reveal. The only reference to him discovered is that in June, 1755, he petitioned His Majesty’s Council for lot number 83 in the town of Hardwick, which later was granted. *Colonial Records of Georgia*, VII, 201, 686.
House asking that Patrick Mackay have leave to attend the Lower House to "give what intelligence he can in a matter now under inquiry." Mackay "informed the Assembly that the only two Papers he delivered to Sir Patrick Houstoun are now in the Secretary's Office."

It was ordered then that the papers be laid before the house for inspection. Somehow the papers were procured immediately and read. One revealed a commission directed to Henry Parker, Esq., President of the Province of Georgia, Patrick Graham, James Habersham, Noble Jones, Pickering Robinson, and Francis Harris, or any two of them to treat with the Indians on lands by purchase. The other was a title deed of lands from the Upper Creeks. Whereupon Mungo Graham announced that Mr. Thomas Burrington could give some information "upon this affair." A messenger dispatched to summon Burrington returned with the information that the gentleman "was sick." Further consideration was then postponed. Immediately after the minutes were read the next morning Burrington testified that "he knew nothing of the Affair in dispute betwixt Sir Patrick Houstoun and Mungo Graham more than he had from Mungo Graham himself." Burrington then faded out of the picture and James Habersham, Secretary of the Province, came upon the scene to declare that he had given the Governor reasons why he would not deliver the letters [first mention of letters] applied for by the house and "by that resolution he would abide." He did "not hold those letters [he said] as Secretary of the Province but as Senior Surviving Member of the Board of the late President and Assistants, and that he had been ordered expressly by the other Surviving Members of that Board not to Deliver them."

32. Some light is thrown on the character of Thomas Burrington, when four years later he was clerk of the Lower House. On April 6, 1761, the Speaker of the House wrote to him: "Sir, the House having met this day and been obliged to adjourn on Account of your Non Attendance and being deprived of the use of their papers on the same account, have ordered me to acquaint you that they are fully determined not to suffer the like Neglect for the future, in which if you sho'd persist they will be under the necessity (however disagreeable to them) of applying to the Governor for Redress. By Order of the House, Elliott Grey, Speaker." Colonial Records of Georgia, XIII, 498. Previous to that date, however, Burrington had acted as Attorney General pro tem, when in 1758, William Clifton, the incumbent, was on leave of absence. Colonial Records of Georgia, VII, 826.
The Houstouns of Georgia

After that emphatic and somewhat mysterious statement Sir Patrick Houstoun entered the house, requested a copy of Graham’s petition and promptly withdrew. The clerk of the house was ordered to deliver the petition to him. Later in the session a message was read from the Governor informing the house he had given direction to both the Secretary and Register of Records and likewise to Sir Patrick Houstoun, Bart., and had received answers from each of them which he sent to be laid before the house. Thus ended the third day of the case.

The scene shifted from the above to the Upper House at its meeting on Friday, January 21, when its President, Sir Patrick Houstoun, acquainted that body with Mungo Graham’s petition to the Lower House. Expressing the opinion that the petition might reflect on his reputation, he requested the Upper House to “enquire into the same.” Sir Patrick Houstoun’s fellow-members responded by writing a message to the Lower House embodying the above allegation, and nothing more, as reported in the Journal of the Upper House. The Lower House received the message which when read, however, disclosed the information that the Upper House declared its intention of inquiring into the attack on its President, and asked that “the House of Representatives will lay before them the said petition.”

The reading of the message from the Upper House occurred early after the convening of the Lower House on Friday, but no action was taken that day. Instead, the house took up the matter of the letters received from the Governor the preceding day. It was ordered that the reasons sent to the Governor by James Habersham and Sir Patrick Houstoun be entered into the Journal.

Habersham gave to the Governor a lengthier explanation than he gave to the Lower House of his reasons for refusing to deliver certain letters. He explained to the Governor that he had looked carefully over all the letters from the late Trustees to the late President and assistants (by them committed to his care), and could find none that related to the present state of affairs. Asserting that “those letters cannot be called Publick Letters,” he branded the request of the Lower House as “unprecedented.” Compliance therewith, he insisted, would amount to “the betraying [of] a Trust.” The letters were not matters of record, he contended,
but were intended for the guidance of the persons to whom sent. As well might the Lower House claim the right to inspect the “private” exchanges between the Governor and the Crown and thus open a door “which might invade an Essential Prerogative of the Crown.” Such an “Innovation,” concluded Habersham, “they think themselves bound to Guard against."

Sir Patrick Houstoun’s reasons were that he never had seen and he believed there never was such a Commission in the beginning as mentioned in Mungo Graham’s petition, but that the papers he received from “Mrs. Graham” were lodged in the secretary’s office where he supposed they were still. It is impossible to account for the appearance into the story of Mrs. Graham. Whether she was the relict of the late Patrick Graham, President of the Province, or the wife of Mungo cannot be clarified.

Saturday morning the lower body took up the message sent the previous day from the Upper House, but first required Mungo to attend and “explain some Ambiguous expressions in his Petition.” When Mungo arrived he explained that the petition presented to the Upper House was intended for the “Assembly only”; and that while he might be mistaken in certain of his allegations, “he had no other View than to bring to Light a Paper he imagined would be Serviceable to the Publick and to his own interest [?] and not to hurt the Character or Reputation of Sir Patrick Houstoun or any other Persons whatsoever—And that he humbly desires leave to withdraw his said Petition.” The records are silent in giving any intimation of Mungo’s “interest” in the matter. By resolution Graham was allowed to withdraw his petition and a message communicating his desire was sent to the Upper House.

Why the members of the Lower House felt privileged to reprove James Habersham cannot be explained. But rebuke him they did when they passed a motion declaring his refusal “to lay before this House the Publick Letters from the late Trustees to the late President and Assistants is a contempt of the Governor’s Orders, and a great disrespect to this House, and Impedes the inquiry into the State of the Province.” Habersham’s statement to the Governor that he had looked over the letters and had found nothing there that related to “the present state of the Province,” should have been sufficient proof that he was making
The Houstouns of Georgia

a true assertion of fact. But the then existing feeling of rivalry between the two bodies seems to be well illustrated in the above action. Having censured Habersham, the Lower House prepared another message for the Upper House, setting forth that it allowed Mungo Graham to withdraw his petition, repeating his words to the house.

Sir Patrick Houstoun's associates in the Upper House were by no means satisfied over the somewhat casual manner in which the affair ended in the Lower House when it received the latter's message the same morning. The communication was carried by a Mr. Elliott and after its reading, the Upper House adjourned, and no action was taken until the following Tuesday because an “affair of State” involving the possibility of an invasion of Georgia and South Carolina by the French and Indians required attention and the necessity of joining forces with Georgia's neighbor province for the mutual protection took pre-eminence in the matter of consideration.

On Tuesday, however, before adjournment, another message was prepared to be sent to the Lower House. Reminding its rival that Mungo Graham's petition was a reflection on one of its members, the Upper House explained by the Tuesday message that it expected the Lower House to reprimand Graham and, further, that he would be ordered by the body to which he had presented his petition to appear before the Upper House to acknowledge the injury he had done to its member. If the Lower House received that message the next day, its Journal makes no mention of it. It is possible when it was received it served as a firebrand and savoured too much of an order. The message was brought to the attention of the Lower House the next morning, but action was deferred.

By Friday, January 28, the case of “Sir Patrick Houstoun vs Mungo Graham” had been under consideration ten days, and the members of the Upper House had grown impatient over the dilatoriness of its rival body. Another message was dispatched which was probably read soon after delivery, as it appears in the minutes of that day's session, but no attention was paid to it until just before the close of the meeting when a curt reply was sent informing the Upper House that in the opinion of the Assembly Mungo Graham had made a satisfactory concession and that
since his petition had been withdrawn the case was closed as far as the Lower House was concerned. Later in the day the Upper House received the above message. It would be exceedingly interesting to know how its members reacted to it. The Upper House had not, however, finished with Mungo, but the members let the matter drop for ten days and attended to various bills that had been sent to them from the Lower House for concurrence.

At the session of Tuesday, February 8, the Upper House asked the President to lay before it the petition of Mungo Graham. On the following morning Houstoun laid before the Upper Chamber a copy of the petition and Governor Reynolds's order thereon addressed to Houstoun on January 18, 1757, and then the President withdrew. The latter document reviewed the contents of the petition and ordered Sir Patrick to lay before the Assembly the alleged commission. After hearing the two papers Mungo Graham was again called before the Upper House to “Support the matter ascerted in his petition.” Mungo promptly rejoined that he had “been grossly mistaken in regard to the Commission mentioned in my Petition which I am sorry for, and do therefore ask pardon of the Honble House.” And then he was ordered to withdraw.

The Upper Chamber closed this unfortunate episode in Sir Patrick Houstoun’s career with a series of resolutions denying the assertions of Graham’s petition and, while exonerating the petitioner of malicious intent, nevertheless directing the “Presiding Member” of the House to “properly” reprimand the offender. Presumably the President had remained out of the room while the “Presiding Member” delivered the rebuke. Sir Patrick, upon returning to the chair, the hope may be vouchsafed, received the congratulations of his friends on the conclusion of a somewhat complicated performance on the part of an interfering, and, apparently, disgruntled person.

* * * * *

As Register of Grants and Receiver of Quit Rents, for which position he received a salary of fifty pounds per annum, Sir Patrick Houstoun’s office under the Crown was no sinecure. It
was a difficult office to execute, and he fell heir to the complexities of the system from the proprietary period.\textsuperscript{33}

The quit rent tax, which was enacted in all of the English colonies, dated in Georgia back to the distribution of the territory afterward known as the Georgia colony, and was involved in the part played by Sir George Carteret, Baron of Hawnes, in 1733, after the Royal Charter had been granted to the Trustees for Establishing the Colony of Georgia.

The Colony of South Carolina was founded in 1663 by eight English noblemen to whom Charles II had granted an immense tract of land south of Virginia, and they became the Lords Proprietors of the Colony of South Carolina. In the year 1715, the Lords Proprietors of Carolina found themselves in dire distress, and they became alarmed over their inability to protect their coast from the Spaniards and from pirates, and the interior of the colony from the Indians. Lord Carteret, one of the Lords Proprietors, addressed a communication to the Lords Commissioners of Trade and Plantation, asking that His Majesty graciously interpose in their behalf. Inquiry was made as to what would be required for the relief of the colony, and the government of South Carolina was asked if it ought not to surrender its "plantation," if the Crown was willing to bear the expense of its defense.

An act was passed in Parliament for the better regulation of the American colonies, and as conditions steadily grew worse in the Province of South Carolina, all of the Lords Proprietors of that colony with the exception of Lord Carteret, took advantage of the act and surrendered to the Crown "not only their rights and interest in the government of Carolina, but also their ownership of the soil." The indenture of purchase and sale was executed on the 25th of July, 1730, in the reign of George II, and the consideration paid amounted to £22,500.\textsuperscript{34}

When, in 1732, the Georgia Trustees were granted their Charter by King George II and the land for settling their colony, the King ceded to them that part of the territory he had purchased from the Lords Proprietors of South Carolina which lies between the Savannah and Altamaha rivers, and a few months

\textsuperscript{33} For a more exhaustive study of this subject see James Ross McCain, \textit{Georgia as a Proprietary Province} (Boston, 1917).

\textsuperscript{34} Jones, \textit{History of Georgia}, I, 80, 81.
later Lord Carteret by deed conveyed to the Trustees his one-eighth share which he had retained.

In granting tracts of land to the colonists for settling Georgia, the Trustees included several regulations on the deeds, and one of them dealt with quit rents. That provision referred partly to reimbursing Lord Carteret for his portion of the land he had deeded to the Trustees. The regulation read—"that a quit rent of four shillings per hundred acres be paid annually after a lapse of ten years from the time of the grant."\(^{35}\) Sixpence per hundred acres was the amount eventually to be paid to Lord Carteret, but it was never made clear whether that was to be in addition to the four shillings to be paid to the Crown or whether it was to be deducted from that amount.

As far back as 1735 a Register of Grants and Receiver of Quit Rents had been appointed by the Trustees.\(^{36}\) At first he was only register of grants, and performed the duty of registering grants and keeping a record of all information concerning them. To the office soon was added that of receiver of quit rents. Difficulties and delays were numerous. The whole matter of quit rents had become very complicated. For example, there was the vexing problem of preparing a satisfactory rent roll. Actually nothing effective was done during the Trustee period. No money was ever collected for quit rents during the proprietary period either by the Trustees, by the King, or by Carteret. The most reasonable explanation for this failure was doubtless the general lack of prosperity and incompetent officials. During the last years of proprietary control economic conditions improved greatly and perhaps the Trustees could have collected quit rents had they remained in power a few years longer.\(^{37}\)

The fact that a settler was allowed a period of years in which to pay the quit rent, in order that he might have sufficient time to cultivate his lands and receive some financial returns, also was probably accountable for the inability of the receiver of quit rents to collect the revenue. The quit rent problem, therefore, was an inherited one when Georgia became a Royal Colony, and

35. McCain, *Georgia as a Proprietary Province*, 228.
37. Ibid., IX, No. 3 (September, 1925), 200. Quoted from McCain, *Georgia as a Proprietary Province*, 255, 256.
required the Crown appointment of an officer to continue to
discharge the duties and attempt the collection of the revenue.

Although Sir Patrick Houstoun had received his appointment
to that office at the same time that the Royal Governor and other
officers received theirs in August, 1754, it was not until 1755
that he could produce his commission for the office. On Septem-
ber 30, 1755, at a meeting of the Council, he presented his royal
warrant and "took the Oaths of Allegiance and Supremacy and
declared and subscribed the Test, as also the Oath of Office."\(^{38}\)
The Test Act, "enforced upon all persons filling any office, civil
or military, the obligation of taking the oaths of supremacy and
allegiance and subscribing a declaration against transubstantiation,
and also of receiving the sacrament within three months after
admittance to office."\(^{39}\) On February 17, 1757, Patrick Houstoun
took the oath for his office as Register of Grants.\(^{40}\)

Efforts were made by Sir Patrick Houstoun to collect quit
rents, but it was made difficult by the lack of proper legislation
to enforce the law pertaining to them. "There was on the part of
the British government and also on the part of the Governor and
legislature of Georgia recognition of the fact that the quit rent
formed an important item in the revenues of the colony, but
there were certain conditions which very decidedly interfered
with the effectiveness of it. There seems to have been no general
opposition to the quit rent on the ground that it was a royal
revenue or tax imposed upon the colonists without their consent.

"There was considerable delay in securing action by the British
government on the act of assembly passed in Georgia for the
more effective collection of quit rents. The failure of the home
government to adequately support the governor and the legis-
lation in their efforts with reference to the quit-rents did un-
doubtedly greatly retard the securing of funds through this
method."

There is evidence that Sir Patrick did make some collections
of quit rents, and his attempts to fulfill his obligations bore result
in the reports he made to the Council. When it came to perform-

\(^{38}\) *Colonial Records of Georgia*, VII, 265.
\(^{39}\) *Encyclopaedia Britannica* (ninth edition), XXIII, 199. (It was passed
in 1672.)
\(^{40}\) *Colonial Records of Georgia*, VII, 489.
Patrick Houstoun's Public Life 89

ing the duty of Register of Grants Sir Patrick Houstoun must have been kept fairly busy, although there were obstructions in his way even there.

The change in Georgia from a proprietary colony to that of a royal province affected the titles of land. In consequence, one of the early acts of Governor Reynolds was to issue a proclamation “that all landholders should surrender their grants for new ones which were to be issued in the name of the king and under seal of the colony. The new grants specified that a quit rent of two shillings on every hundred acres was to be paid to the King, and that at least five acres in every one hundred should annually be cleared and cultivated, and that the grant should be duly registered within six months from date.”

At nearly every meeting of the Council, petitions were read from colonists asking for grants of land and for town lots in Savannah, or the proposed new town of Hardwick, and the requests usually were granted. Sometimes they were granted conditionally, sometimes the warrants were prolonged, and sometimes they were refused. The petitions always were granted under a proviso.

The members of the Council themselves were frequently listed among the petitioners and many of them acquired additional territory adding hundreds of acres to their holdings. It was stated in the petitions that the land was needed for the grazing of cattle, or for the placing of their Negroes, but also it was for reasons of speculation, and many of the inhabitants improved their financial condition through the sale of newly acquired property. Thousands of acres ranging from allotments of ten to two thousand were granted, the most popular individual grant, however, being for five hundred acres, although one apportionment amounted to nine thousand two hundred and fifty acres on the island of Sapelo.

In May, 1758, the Governor and Council authorized Houstoun to announce that those persons who had failed to register their grants would be given an additional six months to do so. Grants that were not registered within that period would be deemed invalid and liable to be granted to others.

The Houstouns of Georgia

Toward the close of his term of office Sir Patrick Houstoun, "in a memorial to the Governor and Council, register of grants and receiver of quit rents [October 6, 1761] commented upon the orders which he had received from the first two royal governors which prevented his having followed a consistent policy, and explained why grants had not been registered in due time, and requested instructions. It was ordered that he should be 'permitted to register all grants already signed, for six months to come, notwithstanding the time for registering the same may be elapsed.'”

The whole matter of reconveying and claiming grants and the payment of the quit rents was so involved that it can be easily surmised from a critical review of Sir Patrick Houstoun's memorial that the sturdy, persistent, and methodical Scotsman, for such he undoubtedly was to have retained such an office for seven years, must have had his soul tried to the limit in dealing with procrastinating and unreliable inhabitants. The numbers who did comply with the requirements of the provincial government and claimed their grants proved the necessity of a faithful officer to attend to the important details and the legal side of land grants.

Sir Patrick Houstoun, in his office as Register of Grants and Receiver of Quit Rents, was able to render at least one financial report on the returns collected on registered grants. At a meeting of the Council, November 2, 1756, it was reported that he remitted to England a total of £6, 8s. 4d.

---

43. Ibid., 20; see also Colonial Records of Georgia, VIII, 577.
44. Colonial Records of Georgia, VII, 414.

A copy of an application from one Owen O'Daniel to the Attorney-General for a tract of land, which application was referred to Sir Patrick Houstoun reads:

GEORGIA

This is to certify that Owen O'Daniel hath this Day entered a Memorial in the office of his Majesty's Auditor-General of One hundred & fifty Acres of Land situated and being in the Parish butting and bounding Easterly by Land of Joseph Perry & on every other side by Land vacant Originally granted by his Majesty King George the Third on the 5th Day of July—1760—unto the said Owen O'Daniel at the Quit-rent of Two Shillings per 100 Acres. Given under my hand at Savannah, this 4th Day of October 1760.


To Sir Patrick Houstoun, Bart.
His Majesty's Receiver-General

Original owned by James Patrick Houstoun, Jr., of Houston, Texas.
While Sir Patrick Houstoun was working zealously to collect quit rents, with only partial success, his duties in connection with the registration of land grants demanded equal diligence and minute clerical labor. Thousands of acres were allocated during each year, and precise records were kept. First, after the Royal Council had conveyed the land, the register made an entry of the day the permit was authorized; next an abstract of the deed was registered, and then six months later the digest was examined and compared with the original entries; it was dated and signed, "Pat: Houstoun, register." Finally, a semi-annual report was sent to the authorities in London.

For instance: one year's work shows that on December 9, 1756, one hundred and fifty-two grants were delivered; and the abstracts made from January 27 to July, 1757, were examined and compared on July 29. During the next six months, one hundred and eighteen grants were conveyed, the same procedure was observed, and the examination was made on February 1, 1758. The total number of grants registered for the year 1757 was two hundred and seventy, and included acres in and near Savannah, Augusta, Newport, Medway, Halifax, Great Ogeechee territory, Ebenezer, Sapelo, Abercorn, and Darien.45

The preceding narrative shows plainly that for eight years Sir Patrick Houstoun, Bart., President of His Majesty's Council, President of the Upper House, Register of Grants and Receiver of Quit Rents, owner of a five-hundred-acre plantation under cultivation and many other grants, and the father of four children, later increased to six, was not an idle man. As the recipient of Crown grants he duly recorded his holdings in the above manner.

In 1751 Houstoun was anxious to obtain a lease on an island across from Rosdue, and on July 7 he addressed a request to the Secretary of the Trustees. Lying between the Vernon and Little Ogeechee rivers, opposite his house, the three-hundred-acre island and the adjoining marsh, he explained, were vital to his interests. If granted to one who "would not continue an Extreme good Neighbor I should be obliged to quit my present plantation . . ."46 As Sir Patrick continued to reside at Rosdue, the inference is that

46. Colonial Records of Georgia, XXVI, 249.
The Trustees allowed him to lease the island for a number of years. Later it became the property of Henry Parker.

After the reconveyance by the Royal Council, in 1755, of his Rosdue acreage, Sir Patrick's holdings were increased by several thousand acres. His other grants included additional land on the Little Ogeechee and Vernon rivers, in Christ Church Parish, St. David's Parish, and in Darien, where he owned one thousand acres, and lots in Savannah and Hardwick.

On April 1, 1755, six months after the Royal Council was formed, Houstoun presented a petition for two land grants, one for five hundred acres on the south side of the Great Ogeechee River and the other for a vacant lot in Savannah. He hoped, he said, to be favored with the addition as he had "a Wife, four children, two white Servants and twenty-four Negroes." Both requests were granted.

Apparently the Council had thousands of vacant lots at its disposal, and some of the meetings of the Royal Council were extremely monotonous as the members were forced to listen to scores of petitions for land. It is quite possible petitioners were widely engaged in prospecting the southeastern portion of the province and there seems to have been no limit under the Crown's ownership to the amount of holdings a man might possess. Occasionally a petition was rejected, but there was always added to the granting of the request the usual stipulation, provided the grant was registered and the quit rent paid.

The next request for land that Sir Patrick made after the reconveyance of his second grant and the request for land on the Great Ogeechee was in June, 1755, when the Council heard his petition for a five-hundred-acre grant between the northern forks of the North Branch of the Newport River. Again on February 20, 1757, Houstoun had another petition before his fellow councilors, when he resigned one grant, the Newport River grant, which on survey he found to be three hundred acres short, and requested a thousand acres located on Cathead Creek, two miles above Darien. The surveying of that grant was completed and Sir Patrick complied with the rule of grantees, because in the

47. The lot assigned to him was part of the Trust lot in Anson Ward, sixty feet fronting Drayton Street, and ninety feet deep, known as the letter W.
next generation, the Cathead Creek tract was owned by his oldest son.

Still Sir Patrick, like many other citizens of the province, was calling for more land. On November 1, 1757, the Council heard another petition from him. Explaining his desire to cultivate and improve additional lands, he asked for one hundred acres at a place known as Keelers Bluff on the Newport River, about four miles north of Alexander McDonald's plantation. The Council granted his request on the usual conditions, but in February of the ensuing year Sir Patrick reported to Council that the warrant to the said land had expired and he prayed that the surveyor-general "might be enabled and ordered to issue a new Precept on the same warrant granting further Time for surveying the said land." 49

A list of some of Sir Patrick Houstoun's lots and acres the year in which they were granted, and where situated, shows some of his holdings to have been:

<table>
<thead>
<tr>
<th>ACRES</th>
<th>LOCATION</th>
<th>YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>500</td>
<td>Between Vernon and Little Ogeechee Rivers</td>
<td>1736 and 1755</td>
</tr>
<tr>
<td>500</td>
<td>In District of Great Ogeechee River</td>
<td>1756</td>
</tr>
<tr>
<td>1000</td>
<td>On Cathead Creek, near Darien</td>
<td>1757</td>
</tr>
<tr>
<td>681</td>
<td>In Christ Church Parish</td>
<td>1759</td>
</tr>
<tr>
<td>481</td>
<td>&quot;Ilay&quot; Island</td>
<td>?</td>
</tr>
<tr>
<td>3162</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOWN LOTS

1 — in Savannah 1756
1 — in Hardwick 1756
1 — in Brunswick

50. The above grants are only a partial list of Sir Patrick Houstoun's. Further research in the Colonial Records and in the office of the Secretary of State, Atlanta, should be made to obtain a complete list. The above was secured from the Secretary of State. Also, *Colonial Records of Georgia*, VII, 347, 590.