Chapter XI

JOHN HOUSTOUN, "REBELL GOVERNOR"

JOHN HOUSTOUN, twice governor of Georgia, distinguished patriot, first mayor of Savannah, delegate to the Continental Congress, the chosen chief justice of the state, third judge of the Superior Court of Georgia, and an eminent lawyer, lies in an unmarked grave. Even the place of his interment is unknown. In early manhood momentous events forced him into activities that called forth native ability and prepared him for the several dramatic episodes in which he played leading roles. From the conspicuous part he took in pre-Revolutionary days to the end of his life, he easily displayed the qualities of a statesman. He was a man of "commanding influence," brave and zealous. Impetuous, enthusiastic, and full of energy, he was reputed to be an agreeable and a sociable person. He was so staunch in his loyalty to his native state that on one occasion he did not hesitate to isolate himself because of a conviction. Some called him stubborn, but if he thought of himself at all in that regard he must have felt that his birthright gave him strength of will. To have held the many offices that were thrust upon him in a career that lasted but a score of years, John Houstoun exhibited a mental capacity that deserved the comment, "He was a gentleman of liberal education, culture and refinement," and "... an ornament to his profession."1 When his life is reviewed one may picture him as a man of fine bearing, quick of stride and always ready for action. John Houstoun was born to lead.

From the beginning of hostilities with the mother country there was no hesitation on the part of John Houstoun in choosing the side with which he would throw his lot. In 1775 he was one of the hot-headed rebels of the colony; unlike his brothers Patrick and George, John remained true to the cause of American liberty until the close of the Revolution. It does not require much imagi-

1. C. C. Jones, Jr., Biographical Sketches of the Georgia Delegates to the Continental Congress (Boston and New York, 1891), 106, 117.

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nation to visualize the four Houstoun men discussing and arguing the vital question of the day—England's attitude and the reaction of her subject provinces—while the distressed mother sat nearby viewing with anguish the divided opinions and sentiments of her sons. Patrick and George, in their early thirties, with more mature judgment, thought in terms of empire and loyalty to their king; and the younger John and James, having only recently attained their majority, exhibiting an entirely different point of view, expressed their intention of joining their comrades.

Residence for a few years in a sister colony gave John Houstoun the opportunity of associating with able leaders who were inflamed over England's treatment of her American colonies. John Houstoun read law in Charles Town under a prominent attorney. There he also became acquainted with a conspicuous citizen, Henry Laurens, with whom he later formed a firm friendship. Henry Laurens, at least twenty years Houstoun's senior, was an importer and a commission merchant, who in the late 1760's assumed an active part in politics. The Province of South Carolina was seething with anti-British feeling, and although Henry Laurens was manifestly a loyal British subject before hostilities began, "he was not a worse patriot than his fellows, he was a better prophet." Early in 1771 he left Charles Town for England where he proposed to educate his three sons. His stay there lasted three years. Before his departure his attitude toward the Crown underwent a decided change. By 1771, after he had witnessed many of the outrages imposed upon his own province by the Royal Council, his sympathies then were specifically for the acts passed by the South Carolina Assembly.²

It was in an atmosphere fomenting with political animosities at first more pronounced and more hostile than in Georgia, that John Houstoun lived for awhile. Having reached man's estate, he received impressions and ideas that were to guide him when he returned home. His legal education finished, John Houstoun left Charles Town, probably in 1771, and on his arrival in Savannah opened an office for the practice of law. As a solicitor in the Court of Chancery he took the oath of allegiance and supremacy on July 2, 1771. He found in Savannah a strong anti-

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British sentiment, and one of its chief proponents was Dr. Noble Wimberly Jones. John Houstoun worked constantly with Dr. Jones, although the latter was a much older man. Their acquaintance had been a long one, as their fathers had been closely associated in colonial affairs.

On November 15, 1769, John Houstoun acquired three lots at White Bluff, of approximately one hundred and fifty acres, which were sold to him under execution against Martin Fenton, and conveyed by title from the provost marshal. On November 5, 1771, he petitioned the Royal Council for five acres in St. Philip’s Parish, stating that he “had been born and bred in the Province that he was at present possessed of three slaves but purposed as soon as he conveniently could to purchase more.” The grant was given to him on April 7, 1772. By the next year he had built up his plantation at White Bluff, he had there several houses for his Negroes, and he purchased more slaves. On Wednesday, April 7, 1773, at a meeting of the Governor and council, Sir James Wright informed the members that “the Small Pox had broke out on the Plantation of John Houstoun Esq’ at White Bluff.” That announcement was not the first intimation that the pestilence had entered the port of Savannah, as in the previous March the brig Ann from the island of Antigua had arrived at Tybee with cases of smallpox on board among the Negro passengers. John Houstoun appeared before the members of council, accompanied by Dr. David Brydie and Dr. Hayes, who explained that one Negro had died twenty days previously, although the diagnosis was uncertain, but it appeared that another slave was actually infected. Thereupon the Governor issued his proclamation: the infected Negro was to be kept in a separate house, the others to be segregated; no slave or any other person on the plantation was to leave the place, “nor that any Communication whatever be had with the same, on any pretense . . . except to deliver provisions, Medicines or other Necessities” to the person who was to be stationed at the outer gate of the plantation. The clothes of all of the slaves were to be cleansed and washed, and the garments of the sick Negroes

4. Ibid., 312, 356.
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were to be burned after the death or recovery of the patients. Proper "Centrys" were to be placed under the strictest orders to enforce the directions. Every doctor who was permitted to attend the sick was ordered to change his clothes before visiting the plantation. The order read besides, there must be a duration of thirty days after the recovery of any infected person before the embargo could be lifted. Three months later the treasurer was directed by the council to pay eighteen pounds to the Governor "for the pay of two men keeping Guard at the Plantation of M'r Jno. Houstoun to prevent the spreading the Small Pox from said Plantation." Since the Royal Council apparently took no further notice of the trouble on John Houstoun's plantation, it may be assumed that the alarming situation was terminated soon after the payment made to the guards.

Before his twenty-fifth birthday, probably, John Houstoun was well established in his profession, and could boast of many clients, as evidenced by the number of legal citations published in the Georgia Gazette which name him as counsel. In early manhood, John Houstoun's mind matured rapidly, and his talent for the legal profession provided him with the power to fulfill his ambition as he advanced steadily to high offices. Comments on his legal sagacity during various periods of his life range from: he "was by profession a lawyer comparable to any in his day"; an able lawyer; "one of the leaders among Georgia Lawyers of the day"; to Jenkins's statement that he was "the important lawyer in Savannah." Behind John Houstoun's career as an attorney-at-law lay thirty-eight years of legal history in Georgia.

5. Ibid., XIX, Part 1, 503.
9. Ibid., 135.
10. The first public event in the colony was a "judicial function," when on July 7, 1733, five months after the founding of Georgia, Oglethorpe opened court on the Bluff in Savannah, magistrates were inducted into office, the first jury was impaneled, and the first case was tried. Thereafter, for some time, July 7 was observed in the colony as "Anniversary of Court Day." For a long period there were no practicing lawyers in Georgia because the Trustees permitted none in the colony, but there were many law suits tried in the local courts. After the inauguration of the Royal Governor and Council in Georgia, provision was made for erecting courts of judicature, and at that time, 1754, the Georgia
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A partial list of the clients who employed John Houstoun as their counsel in the years 1773 and 1774 will suffice to show that he had a creditable law practice for so young a man. He was attorney for James Bruce v. Samuel Carney; for James Black v. Edward Seyburn; for John Simpson v. Robert Bremer; for Andrew M'Corrie v. James Moore; for David Johnston v. Joseph Jones; for Philip Minis v. Benjamin Condon; for Archibald Bulloch; for Stephen Drayton v. Button Gwinnett; and for several others. In 1777 John Houstoun was paid £7 10s. for legal advice concerning the will of Button Gwinnett. Much later, when he was judge of the superior court, he licensed Thomas Spalding, of Sapelo Island, to practice law although the latter never made the law a profession. Houstoun was the attorney for Edward Telfair and Captain Telamon Cuyler, and he drew the latter's will; his death occurred in 1772.

When the winter of 1774 had passed, John Houstoun found time outside of his law practice to do his part as a citizen in giving heed to the discussion of the grave situations then pending throughout the English colonies. He was alive to the political outlook, so much so that he either took the lead himself or was pressed into service by his associates to assist in arousing timorous Georgians. News had reached Savannah of the events in Massachusetts, and four prominent citizens, Dr. Noble Wimberly

[notes and references]
Jones, Archibald Bulloch, John Houstoun, and George Walton, decided to act. A comparison of their ages shows one of the many instances where John Houstoun was associated with men several years his senior.\textsuperscript{16} He evidently had great admiration for older men, and that tendency may have been one of the contributing causes of the early development of his mind. Georgia had an intense Loyalist element, and the Royal Governor and his Council were keeping an eye to windward by watching every move of the Patriots. Mature judgment and enthusiastic youth brought forth a decision that was potent in its outcome, for suddenly on July 20, 1774, there appeared in the \textit{Georgia Gazette} a call signed by the above four men: \textsuperscript{17} "All persons within the limits of this Province do attend ... at Tondee's Tavern on Wednesday, the 27th. instant, in order that the said matters [the acts of the British Parliament respecting the town of Boston] may be taken under consideration ... ." Pursuant to the call "a respectable number of the freeholders and inhabitants of the province assembled at the Watch Tower in Savannah on the day appointed."\textsuperscript{18} By his open conduct, with his name appearing in the public press, John Houstoun proclaimed his sentiments, and "at a crisis so momentous," it has been written of him, "it was fortunate for

\textsuperscript{16} In 1774, Dr. Jones was fifty-five years old, Archibald Bulloch was forty-four, George Walton had reached thirty-five, and John Houstoun was in his late twenties.

\textsuperscript{17} An inexcusable error occurs in Candler's \textit{Revolutionary Records}, where in writing of the above incident he states the call of the four patriots was published in the issue of July 14, 1774, whereas the date is July 20, 1774. There was no issue of July 14, but there was one of the 13th.

\textsuperscript{18} Jones, \textit{History of Georgia}, II, 149. Colonel Jones, in his history, has made a curious conflict in telling of the 1774 meeting at Tondee's Tavern, when, on page 149, he states the meeting was held at the \textit{Liberty Pole}. Twenty-seven pages further on (p. 176) he writes: "The first liberty pole erected in Georgia was elevated in Savannah on the 5th of June 1775." It is obvious that his statements do not agree. Unfortunately it is impossible to arrive at the truth, for on the authority of Dr. Clarence S. Brigham, Director of the American Antiquarian Society, Worcester, Massachusetts, it can be stated that the only issues of the \textit{Georgia Gazette} for the month of July, 1774, are in Hodgson Hall, Savannah, except that of July 20, where Jones states the call was printed. That is a damaged copy, only one sheet of that issue being in the files at Hodgson Hall, and the call is \textit{not} printed on that sheet. Nor is it in the issue of July 13.

\textsuperscript{19} \textit{Ibid.}, 149.
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Georgia that there were men like Mr. Houstoun, willing and able to serve her."^20

The Tondee Tavern meeting was presided over by John Glen and resolutions and correspondence were read from some of the other colonies. A committee composed of John Houstoun and thirty others was appointed to draft resolutions similar to those read. The second public session was held at the Exchange on August 10, in direct opposition to the command of the Royal Governor. John Houstoun was appointed one of a committee of nine to solicit subscriptions to be sent to sufferers in Boston. A donation from the Province of Georgia of five hundred and seventy-nine barrels of rice was shipped from Savannah. At a session held at the market place on December 7 John Houstoun and his brother George, with others, were elected to the first Provincial Congress to meet in the beginning of the new year. When the meeting took place on January 18, 1775, Dr. Noble Wimberly Jones, Archibald Bulloch, and John Houstoun were chosen as delegates to the Continental Congress, but they declined to consider their election valid, as only five out of the twelve parishes of the colony were represented. Although Governor Wright was striving fanatically to hold Georgia loyal to the Crown, the province was in the hands of republican leadership. The three delegates had been elected to the Congress, but their consciences guided them to remain in Savannah until they were supported by a stronger representation. They decided, however, that the new Congress which had been called to meet on May 10, should be apprised of the absence of the Georgia contingent. Accordingly they wrote to the President, John Hancock, on April 8, 1775.

"Sir," the letter began, "The unworthy part which the Province of Georgia has acted in the great and general contest leaves room to expect little less than the censure or even indignation of every virtuous man in America." The delegates explained at some length the divided sympathies among the people of Georgia, and the plight in which they, the delegates, found themselves. "Thus situated," the writers continued, "there appeared nothing before us but the alternative of either immediately commencing a civil war among ourselves, or else of patiently waiting for the

measures to be recommended by the General Congress . . . . Party
disputes and animosities have occasionally prevailed, and show
that the spirit of freedom is not extinguished, but only restrained
for a time, till an opportunity shall offer for calling it forth . . . .
We were sensible of the honor and weight of the appointment,
and would gladly have rendered our country any services our
poor abilities would have admitted of; but alas! with what face
could we have appeared for a Province whose inhabitants had
refused to sacrifice the most trifling advantages to the public
cause, and in whose behalf we did not think we could safely
pledge ourselves for the execution of any one measure what-
so ever? . . . .

"We do not mean to insinuate that those who appointed us
would prove apostates or desert their opinions; but that the tide
of opposition was great: that all the strength and virtue of these
our friends might be sufficient for the purpose. We very clearly
saw the difficulties that would occur, and therefore repeatedly
and constantly requested the people to proceed to the choice of
other delegates in our stead; but this they refused to do. We
beg, sir, you will view our reasons for not attending in a liberal
point of light. Be pleased to make the most favorable representa-
tion of them to the Honorable members of the Congress. We be-
lieve we may take upon ourselves to say, notwithstanding all
that has passed, there are still men in Georgia who, when an occa-
sion shall require, will be ready to evince a steady, religious and
manly attachment to the liberties of America. For the con-
solation of these, they find themselves in the neighborhood of a
Province whose virtue and magnanimity must and will do lasting
honor to the cause, and in whose fate they seem disposed freely
to envolve their own."21

Those three loyal Georgians proved themselves to be prophets,
and gradually the rising tide of indignation, patriotism and en-
thusiasm culminated on June 5, 1775, in a great demonstration.
That day the first Liberty Pole in the colony was erected in
front of Tondee's Tavern. The four leaders did not relax their
activities, and on June 21 they issued another call to the inhabi-
tants of Savannah, asking them to meet at the Liberty Pole on

21. Revolutionary Records of Georgia, I, 63, 66.
the following day at 10 o'clock in the morning. The response to their meeting called to incite the people to action and to bring Georgia in line with the other colonies, brought about the formation of a Council of Safety. At a meeting of the Provincial Congress on July 4 every parish and district was represented. John Houstoun was one of the twenty-five members from the Town and District of Savannah. The congress sat from Tuesday until Friday, July 7, and on that day, five delegates were elected to the second session of the Continental Congress then sitting in Philadelphia. They were John Houstoun, Archibald Bulloch, Noble Wimberly Jones, the Reverend Dr. Zubly, and Lyman Hall.\textsuperscript{22}

Three of the delegates were to form a quorum. Dr. Zubly expressed much surprise at his election and informed the Georgia Congress that he could not accept the honor without the consent of his congregation, whereupon Jones and Houstoun were appointed a committee to obtain the permission of the members of the Presbyterian Church for their pastor to leave, which was granted. Of the five delegates two could not avail themselves of the privileges bestowed upon them by their fellow-Georgians. Jones, ardent patriot, son of a Loyalist parent, yielded to the express desire of his father to remain at home. Lyman Hall had already attended the first session of the Second Continental Congress which opened on May 10, arriving in Philadelphia three days after the opening as a delegate from St. John's Parish, whose inhabitants had early espoused the cause of the colonies. He presented his credentials and was permitted to take his seat "subject to such regulations as the Congress shall determine relative to voting." He remained in Congress until it recessed August 2, and presumably returned home.

The three remaining delegates decided to make the trip north by sea and they left from Savannah on August 1 aboard the brigantine Georgia Packett.

Upon their arrival in Philadelphia on August 11, they learned that Congress had taken a recess; so they found themselves with a wait of many weeks. Time could hardly have dragged, however, in that atmosphere of tense excitement. Signs of impending war

\textsuperscript{22} Georgia Gazette, July 12, 1775; Revolutionary Records of Georgia, I, 240, 241.
were prevalent everywhere. “Down High Street to Front, across 2nd, up Chestnut to Walnut, there were the quick rattle of drums and shrill whirling of fifes as sons of whigs and sons of liberal-minded Tories marched in military company. There were even Quaker youths parading soldierwise.” Not one, but many times, such scenes were re-enacted, and the sons of liberty made the air ring with their patriotic cheers as they marched up and down the streets of William Penn’s city. Undoubtedly the three Savannahians met numbers of Philadelphians with whom they exchanged views on the events of the day and the hour.

At last, toward the end of August, word reached the city of the date for the return of the members of Congress which was to re-convene on September 2. The arrival of the delegates from Georgia, the last colony to send representatives, created some little stir. Two members, John Adams of Massachusetts and Richard Smith of New Jersey, were interested enough to mention the newcomers in some of their letters. Richard Smith reported that two of them “were dressed in Homespun suits of Cloathes;” while the notable John Adams added that one of them was Archibald Bulloch. Adams paid tribute to John Houstoun by describing him as “A Young Gentleman by profession a lawyer, educated under a gentleman of eminence in South Carolina. He seems to be sensible and spirited, but rather inexperienced.” Considering Houstoun’s age and the lack of opportunity he had had to engage in affairs of large import, the Bostonian’s comment seems just. On September 17 in writing to his wife about the Georgia delegates he said that “Mr. Houston is the third, a young lawyer of modesty as well as sense and spirit, which you will say is uncommon.”

It was not long before John Houstoun and Archibald Bulloch were on friendly terms with John Adams. In his diary Adams wrote on Sunday, September 24: “In the evening Mr. Bulloch and Mr. Houston, two gentlemen from Georgia, came in to our room and smoked and chatted the whole evening. Houston and [Samuel] Adams disputed and chatted the whole time

25. Ibid.
in good humor. They are both dabs at disputation, I think. Houston, a lawyer by trade, is one of course, and Adams is not a whit less addicted to it than the lawyer. The question was, whether all America was not in a state of error, and whether we ought to confine ourselves to act upon the defensive only? He was for acting offensively next spring or fall, if the petition was recited or neglected. If it was not answered favorably, he would be for acting against Great Britain and Britons, as in open war, against French and Frenchmen; fit privateers and take their ships anywhere. These gentlemen give a melancholy account of the State of Georgia and South Carolina. They say that if one thousand regular troops should land in Georgia, and their commander be provided with arms and clothes enough, and proclaim freedom to all negroes who would join his camp, twenty thousand negroes would join it from the two provinces in a fortnight. The negroes have a wonderful art of communicating intelligence among themselves, it will run several hundreds of miles in a week or fortnight. They say, their only security is this; that all the king’s friends and tools of government, have large plantations, and property in negroes; so that the slaves of the tories would be lost, as well as those of the Whigs.”

The next week Bulloch and Houstoun were hosts to the Adamses. In his entry of Wednesday, September 27, John Adams wrote: “Mr. Bulloch and Mr. Houstoun, the gentlemen from Georgia, invited S. A. and me to spend the evening with them in their chamber, which we did very agreeably and sociably. Mr. Langdon, of New Hampshire, was with us.”

Not long after the Georgia delegates had taken their seats and presented their credentials, the spotlight was thrown on Dr. Zubly and the province of Georgia through a debate between the minister and Samuel Chase, a delegate from Maryland. John Houstoun came to the rescue, but his effort was a feeble one. Chase and Zubly began their battle of words, and the latter spoke several times so heatedly that he betrayed his Loyalist tendencies. On October 12 when the Congress was considering the proposed Confederation of the States, Dr. Zubly made the imprudent remark, “A Republican government is little better

than a government of devils. I look upon it the Association altogether will be the ruin of our cause." 29 It would have been natural if Dr. Zubly’s speech had thrown the house into an uproar, but Chase took up the cudgels for the congress, and quickly gave this stinging rebuke: "I shall undertake to prove if the reverend gentleman’s advice is followed we shall all be made slaves. If he speaks the opinion of Georgia, I shall sincerely lament they ever appeared in Congress. They can not, they will not comply! Why did they come here? Sir, we are deceived! Sir, we are abused Why do they come here? I want to know why their Provincial Congress came to such resolutions. Do they come here to ruin America? The gentleman’s advice will bring destruction upon all of North America.” John Houstoun’s Scottish blood boiled to white heat, and he made his first speech in the Continental Congress, but so inflamed was the immature statesman that he was unable to express himself coherently, although his implication was not concealed: “Where the protection of this room did not extend, I would not sit tamely.” To which Chase replied: “I think the gentleman ought not to take offence at his brother delegate.” The state house and Philadelphia then became too warm for Zubly, and at the end of October he made a hasty departure, saying in a note to Archibald Bulloch and John Houstoun that he was “setting off for Georgia greatly indisposed . . . .” 30

The prevalent myth that Dr. Zubly’s defection prevented John Houstoun from signing the Declaration of Independence because the Congress asked him to follow Zubly to Georgia and watch his activities, can be exploded in a few sentences. The Zubly affair took place at the Second Continental Congress which opened May 10, 1775, while the Declaration was drafted and signed in the Congress of 1776, when neither Houstoun nor Zubly was present. Furthermore, Houstoun remained in Philadelphia long after Zubly’s departure in 1775. 31

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It is thought that Dr. Zubly's Loyalist disclosure struck terror among congressmen, especially when Chase accused Zubly of carrying on a correspondence with Governor Wright of Georgia. Their alarm took the form of an "Agreement of the Members to Secrecy," completed on November 9, 1775. John Hancock, as president of the Congress, was the first to sign, and thirty-eight others followed suit that day. On the following day Joseph Hewes of North Carolina was the first to sign the "Agreement." He was followed by the South Carolina delegates, Thomas Lynch, Christopher Gadsden, and Edward Rutledge, with the signatures of the two Georgia delegates, Archibald Bulloch and John Houstoun, below. There are a total of eighty-seven signatures on the document:

IN CONGRESS November 9th., 1775

Resolved That every member of this Congress considers himself under the ties of virtue, honor & love of his country not to divulge directly or indirectly any matter or thing agitated or debated in Congress before the same has & shall have been determined, without leave of the Congress: nor any matter or thing determined in Congress which a majority of the Congress shall order to be kept a secret, and that if any member shall violate this agreement he shall be expelled this Congress & deemed an enemy to the liberties of America & to be treated as such & that every member signify his consent to this agreement by signing the same. 32

After signing the "Agreement of Secrecy," Archibald Bulloch returned to Georgia, but John Houstoun remained in Philadelphia. On December 11 the house appointed a committee of one delegate from each colony to "devise ways and means for furnishing these colonies with a naval armament, and report with all con-

32. Reproduced through the courtesy and permission of the Chief of the Division of Manuscripts, Library of Congress, Washington, D. C., where the original is carefully preserved.
Houstoun was not on that committee. Three days later, December 14, Congress appointed a committee to carry into execution the resolutions for fitting out a naval armament, the choice to be by ballot. The second committee was composed of the men elected to the first, with two substitutions, and the name of "Mr. Houstoun" appears on the second list of names. The latter committee reported on December 22. Houstoun was in Savannah three weeks after the report was read. He seems to have made the journey south by land; so he could have tarried in Philadelphia until December 22, left the next day, and still have made a stop-over on the way home, as a trip from Philadelphia to Savannah by stage-coach or on horseback consumed, at that time, about two weeks. What appears to have happened is that Joseph Hewes, delegate from North Carolina, hearing that John Houstoun was preparing to return home, requested him to carry a letter to Samuel Johnston, of Edenton, North Carolina. The letter was dated November 26, 1775. Both Hewes and Johnston were prominent in their province. They came from Edenton, a town on the northern side of Albemarle Sound, and it was on the post road from the north. Coach and horse travelers from the north boarded a ferry there to cross the sound. If John Houstoun was unacquainted with Samuel Johnston, a letter of introduction from a mutual friend would have put them at once on a friendly basis. Only a few months previous to the probable visit of John Houstoun to Edenton, Samuel Johnston had been elected chairman of the Provincial Congress and virtually became governor. North Carolina's legislature was not in session during November and December, 1775; so it is likely that Samuel Johnston was residing at one of his several plantations, perhaps The Hermitage, near Williamston, thirty miles or more from Edenton across the Sound. A land journey was fatiguing, and a hospitable plantation owner would hardly have allowed a delegate from the Continental Congress, bearer of a letter from a friend, to go on to his destination without inviting him to become his

36. Information on Edenton furnished by Mrs. Henry A. Bond, genealogist, of Edenton, North Carolina.
guest. News from the center of the country's activities was not quickly obtained, and Samuel Johnston was no doubt eager to learn the latest information from an important visitor. John Houstoun's stay was necessarily short and he reached Savannah on January 14. The *Georgia Gazette* of Wednesday, January 17, 1776, announced that "Sunday last John Houstoun Esqr. one of the delegates from this province to the Continental Congress, arrived here from Philadelphia." Houstoun evidently made a land journey home, for had he returned by sea, the newspaper would have mentioned the vessel on which he was a passenger.

The moment John Houstoun reached Savannah he listened avidly to the political news of the day, and there was much to be retailed. On the previous Thursday voting began for the election of members to the Provincial Congress, called to meet on the nineteenth. When the polls closed on Friday afternoon at 5 o'clock, it was found that many prominent Savannahians had been elected, among them John Houstoun, and his friends Archibald Bulloch, Dr. Noble Wimberly Jones, Joseph Habersham, and Jonathan Bryan. 37 Three days after his return Houstoun attended his first meeting of the Council of Safety and "took his seat."

But something more important than the approaching Provincial Congress was soon to happen. In the early afternoon or evening of January 18, the Council of Safety met in special session and the members made their decision that Governor Wright and some of his associates "be forthwith arrested and secured." The commanding officer was ordered to carry out the decree. At a second session of January 18, held at mid-night, the council received the information that "a small band of patriots" had made the arrest. John Houstoun was present at the three meetings. The following morning at the Governor's house further orders were issued for the custody of Sir James Wright and his council. The Crown officers were given their parole, and Wright's included the edict that he could not leave the town or communicate with any officers on the ships of war then off Tybee. Four weeks later Governor Wright escaped "through a back door of his house, fled in the night time and made his way, under cover of

37. *Georgia Gazette*, January 17, 1776.
darkness, to an armed British ship anchored in the Harbor,“ and soon he was on his way to England.

The Provincial Congress did not meet on January 19 as originally planned, but convened in Savannah on the following Monday, and after organization proceedings the members elected Archibald Bulloch President of Georgia, and Jonathan Bryan, Vice President and Commander-in-Chief of the State. It was not until Friday, February 1, that the congress transacted its principal business, which was to hold another election for delegates to the next Continental Congress, and the choice again fell on Bulloch and Houstoun with three additional members, Lyman Hall, Button Gwinnett, and George Walton. Archibald Bulloch’s duties as President of Georgia prevented his return to Philadelphia, but John Houstoun’s reason for remaining behind cannot be ascertained. On May 10, 1776, when Hall and Gwinnett presented their credentials to the congress, “as fit persons to represent the province in the Grand Continental Congress” the names of Bulloch and Houstoun appeared on the document. The first of July, Adams wrote to President Bulloch expressing his regret that the latter was not returning to Philadelphia, and the reason for his not doing so: “I have been informed that your countrymen have done themselves the justice to place you at the head of affairs, a station in which you may perhaps render more essential service to them & to America than you could here . . . .” In a postscript he added: “Present my compliments to Mr. Houstoun. Tell him the colonies will have republics for their government, let us lawyers and your divine say what they will.” 41

Although no reason has ever been found for John Houstoun’s absence from the Continental Congress of 1776, one theory seems plausible, which is the one John Adams expressed in his letter to Bulloch on the latter’s position: he “could render better service to America” by remaining in Georgia. Who can tell but that Bulloch may have exerted his influence in guiding Houstoun in his choice between two obligations? He and John Houstoun

38. Revolutionary Records of Georgia, I, 101, 102, 269.
39. A legal paper signed by Jonathan Bryan, having that title, a private manuscript, a gift to the author from Mr. Charles Francis Jenkins.
40. Georgia Gazette, February 7, 1776. The last three named were the only signers from Georgia of the Declaration of Independence.
were the only men in Georgia, except Dr. Zubly, then an avowed Loyalist, who knew the mind and thoughts of the national leaders. Bulloch needed counsel in the administration of his new office. From whom could he seek it better than from his colleague, John Houstoun, who, as a member of the Council of Safety, was in close association with him? It is conceivable that Bulloch convinced Houstoun that he could serve Georgia better by remaining at home than by going to Philadelphia. Following an address by the Council of Safety to its new president, Bulloch made a fitting reply in which he said: "I have the advice and assistance of gentlemen of known integrity and abilities." At any rate, John Houstoun stayed and Archibald Bulloch used him.

It becomes necessary here to interrupt the narration of John Houstoun's political career to recount one of the most important episodes in his private life—his marriage to Hannah, daughter of Jonathan Bryan, which seemingly occurred in May, 1775, just before his departure for the Continental Congress. Continuous search for an authentic record of the event has proved futile, and the only clues on which to base the date are two deeds signed in 1782 by Hannah Bryan's brothers, James and William, where reference is made of her father's gift to her of six Negroes on May 28, 1775. To substantiate the deduction, John Houstoun in his will, making his wife one of his residuary legatees, used the word "dower" in referring to those Negroes. Jonathan Bryan and his wife, Mary Williamson Bryan, were residents of South Carolina, and on the first day of June, 1751, he began to develop his new plantation in Georgia where he removed with his family on December 27, 1752. The Bryans then had eight children, and one had died. Hannah Bryan was born in October, 1759, and was baptized by the Rev. J. J. Zubly. In none of the accounts

43. Jones, History of Georgia, II, 221.
44. Copies of deeds in possession of Mrs. S. C. Lawrence of Charleston, West Virginia, a lineal descendant of Jonathan Bryan. Recorded Chatham County Court House, Savannah, January 7, 1787, Book D, fo. 75-78.
45. From Jonathan Bryan's Bible. Entries copied by the late Mrs. Franklin B. Screven of Savannah.
of John Houstoun’s life is the merest mention of his marriage, except by implication in the deeds previously noted. Allusion is made to Hannah in 1782 as “the wife of John Houstoun.”

4

In June, 1776, following his elevation to the presidency Archibald Bulloch laid a most important matter before the Council of Safety: a letter from the President of South Carolina, transmitting the request of General Charles Lee, Commander of the Continental Army’s Southern Department, to send two representatives from Georgia to Charles Town to confer with him about the state’s defense. The council complied and dispatched Jonathan Bryan and Houstoun along with Colonel Lachlan McIntosh, who the previous January was commissioned to command the Georgia Battalion. The delegation went to Charles Town, met with General Lee, and on July 5 handed their report to the Council of Safety. Their findings covered every possible phase of Georgia’s inability to defend herself “against all enemies external and internal.” It brought these salient facts to the attention of the council members: Georgia was the weakest of all colonies within and was much exposed from without; she needed assistance from the general Congress; there were plenty of provisions, numerous stocks of cattle, excellent inlets, harbors, and rivers; the inhabitants suffered on the east from ravages of British cruisers; Negroes were carried away from plantations; British fleets could be supplied with beef from well-stocked islands; to the south of her there was the menace of the Loyalist province of East Florida; to the west there were numerous tribes of Indians who could be supplied with ammunition from Florida; there was the danger of Negro uprising; and the conquest of Georgia would be a great acquisition by Great Britain, as it was a most excellent country, abounding with ship timber and lumber of all kinds, and was a convenient rendezvous for shipping. To ameliorate Georgia’s situation three propositions were offered in the report: first, that General Lee be asked to state to the general Congress the peculiar situation of the Province of Georgia, and to obtain directions to raise and take into Continental pay, six battalions of men to defend Georgia; second, that a sufficient sum be granted by the Congress for building fortifications and gunboats; and
third, to ask the Congress to provide presents of ammunition, clothing, and cattle for the Indians to keep them neutral and peaceful.\(^{46}\)

While giving attention to public matters, John Houstoun continued his law practice. On July 25, 1776, he appeared before the Council of Safety, not as a member, but as an attorney-at-law to represent Shem and James Butler. The case concerned a Mrs. Croker, who was living at Rosdue, but “was tampering with the negroes and the plantation business.” James Butler was forbidden to go to the plantation, while Dr. Charles Young, as physician to the family, was permitted to visit there professionally, provided he did “not intermeddle with the affairs of the plantation.” No further explanation of the case appeared on the minutes of the council.

Savannah did not receive the news of the Declaration of Independence until August 8, 1776,\(^{47}\) when President Bulloch received a copy of the document, with a letter from John Hancock. The council agreed that a public celebration should take place on Saturday morning at eleven o’clock. As one of the leading public men of Georgia, John Houstoun naturally took part in the exercises. In the procession, following the military, the secretary of the council bearing the Declaration, and “His Excellency the President, marched the honorable Council, and the gentlemen attending,” to the Liberty Pole where they were met by the Georgia Battalion, commanded by Colonel McIntosh. A volley of thirteen guns was fired. The procession marched to the battery at the Trustees’ Garden, where for the fourth and last time the Declaration was read and a salute fired from the siege guns planted at that point. After the military exercises were over, the officials and many others dined “under the cedar trees,” where the assembled company drank toasts to the “prosperity and

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\(^{46}\) Revolutionary Records of Georgia, I, 291-303.

\(^{47}\) Ibid., 162, 163, 166, 168, 171, 174. John Houstoun was present at a meeting of the Council of Safety, July 5, 1776, the day after the Declaration of Independence was adopted (Ibid., 150). The Declaration was signed by many of the delegates to Congress on August 2, after it had been engrossed, and later the others attached their signatures to the document on their return to Congress. (James Truslow Adams, editor-in-chief, Dictionary of American History (New York, 1940), VI, 121). John Houstoun attended a meeting of the Council of Safety on August 1, which is another proof that he did not attend the Congress of 1776 (Revolutionary Records of the State of Georgia, I, 170).
perpetuity of the United, Free, and Independent States of Amer-
ica." The whole town was illuminated in the evening and the inhabi-
tants took part in paying their last respects to their former king
by interring him in effigy in front of the court house and a pre-
pared burial service was read. 48 It is disappointing that the com-
mittee which arranged the burial service has remained anonymous.

President Bulloch, realizing the necessity of establishing Geor-
gia on a firmer basis, declared that the proper course was to have
a state constitution based on a recommendation of the Congress.
Therefore, he issued a proclamation to the inhabitants of parishes
and districts calling for an election of delegates to meet in Savan-
nah the first Tuesday in October. Furthermore, he circularized
the province, admonishing the inhabitants of the necessity of
making choice of upright and good men to represent them in the
ensuing convention. Men of proven worth, loyal and prominent
in their communities, were elected in response to their president’s
advice, men who were qualified to undertake the difficult task
that confronted them. The legislature convened as appointed, and
remained in session five months. Since the full proceedings of
that first Georgia constitutional convention have been lost, there
is no record of the whole list of elected deputies. Considering
the position the Houstoun men occupied in other legislative as-
semblies, it is conceivable that one or more of them was a deputy.
From his own letters, Joseph Clay, of Christ Church Parish,
certified to the fact that he was a member. 49 While it is known

page 108, quotes Allen Candler, editor of Georgia’s Revolutionary Re-
cords, as stating in his introduction: “not a vestige of the minutes of
the 1777 convention was to be found.” Jenkins then continues: “It is
a pleasure, therefore, to have discovered a fragment of these minutes,
and the names of the committee selected by the Convention to prepare
the Constitution.” He then reproduces on pages 108-110, the exact copy
of the discovered fragment. Through the author’s correspondence with
Mr. Jenkins asking where the minutes were found, he answered, Novem-
ber 2, 1937: “... It prefaces the Constitution itself in the little pam-
phlet which was printed in Savannah in 1777 by William Lancaster, and
to which I refer in the foot-note on page 109 of Button Gwinnett. There
may be other copies of this little pamphlet in existence. This one may
have belonged to Gwinnett himself or to some other prominent man, for
some one has cut out the signature. ...” The reference on page 109,
to which Mr. Jenkins refers, shows that the pamphlet may be found
that Button Gwinnett was the Speaker of the House of Assembly as late as December 18, 1776, it is also on record that on January 22, 1777, the speaker was Dr. Noble Wimberly Jones. On the committee, which on January 24 was elected by ballot to “revise the form of a Constitution” were, besides Button Gwinnett, William Belcher, of St. Philip’s Parish, Joseph Wood, of Christ Church Parish, Josiah Lewis, of St. George’s Parish, and George Wells, of St. Paul’s Parish. Those seven men worked for five days before they brought in their report. It has been said that Button Gwinnett, chairman, did the bulk of the work of drafting “the document reflecting his political philosophy” and also the influence of a pamphlet by John Adams, Thoughts on Government Applicable to the Present State of the American Colonies in a Letter from a Gentleman to his Friend. From January 29 to February 4, the house heard the draft read three times; then it was read paragraph by paragraph; amendments were then offered and the whole was read a fourth time. On February 5, the revised constitution was given the final reading. It was adopted unanimously the next day. Five hundred copies were ordered to “be immediately struck off.” Without any question John Houstoun took part in the debates and discussions. His election the next year to govern Georgia is an indication of his having had a voice in drafting and framing the first constitution.

Three weeks after that important convention, John Houstoun was called upon to mourn the untimely death of his friend and colleague, Archibald Bulloch. On February 22, the latter attended a meeting of the Council of Safety for the last time. Houstoun was not present at that meeting. The whole state deplored the death of its commander-in-chief, a zealous patriot and a true leader of the cause of freedom. Evil consequences followed his death which it is thought occurred on February 23, because on the following day Button Gwinnett was elected by the Council of Safety to fill the office of the late president.

51. Ibid. Note 2 says White’s Historical Collections, 203, prints a letter in which Dr. Jones is mentioned as speaker. . . . Letter from William H. Drayton to Humphrey Wells . . . given in Gibbs’s Revolutionary Documents, II, 74.
52. Ibid., 110. At the end of the fragment are these words: “A true copy of the Minutes”—Edward Langworthy, Secretary.”
On that day he commissioned two officers of the First Regiment of foot militia—John Martin as lieutenant colonel and Richard Wylly as major. The commissions were countersigned by Edward Langworthy, secretary, under the privy seal of Georgia. There was a meeting of the Council of Safety on March 4, and the legislature convened on May 8, called to elect a governor under the new constitution. John Adam Treutlen was elected to that office, and Dr. Noble Wimberly Jones was elected speaker. Of the twelve names on the first executive council, John Houstoun's appears second on the list. Eight days afterward occurred the duel between Button Gwinnett and General Lachlan McIntosh, fought because of political animosity. On the nineteenth Gwinnett died.

Governor Treutlen's term was cut short after nine months by his strange death. It has been alleged that he was murdered by Tories in South Carolina. By Treutlen's death Georgia was left without a governing head, and the executive council functioned in directing its affairs until the legislature met in Savannah early in January. On the tenth of the month the members elected John Houstoun. Under the constitution the Governor was selected from the executive council, and his title was to be that of Honorable. At least one member of the executive council from each county was required to be in constant attendance at the residence of the governor. The House of Assembly, or legislature, was given the power to frame and enact laws which had to be signed by the governor and the speaker of the house.

The year 1778 was an important one in Georgia from a military standpoint. Under Governor Houstoun's administration the state battalion was organized, and the military was active in preparing defenses. A resolution of the executive council required the commanding officers of the several battalions to make weekly returns to "his honor the Governor," who was commander-in-chief of the state's forces. General Robert Howe, who succeeded General Charles Lee as commander of the Southern Department, was kept informed of the military operations in Geor-

54. Revolutionary Records of Georgia, I, 286. Of Governor Houstoun's legislature there is in existence no journal, but there are in the State Archives one of his proclamations and a number of enrolled acts. Ibid., 324.
Commodore Oliver Bowen, in command of the state's naval forces, was ordered by the executive council to make a monthly return to Governor Houstoun, because "the gallies were originally undertaken and intended to be kept up . . . for the express purpose of protecting the River inlets and Plantations within the same. . . ."  

After any legislation by the council, Houstoun always conveyed the same by measure to the House of Assembly, which took it under consideration and acted. All acts and regulations of the house were sent as information to Governor Houstoun and his council and were duly recorded in their minutes. As an illustration, one piece of information thus received concerned the court martial of Captain Harding of Colonel Jack's regiment. Colonel Habersham appeared before the executive council and made affidavit that Steven Philips had apprehended a Florida scout and a Georgia deserter, and instead of commending Philips for his deed, Captain Harding drew his sword and "threatened the said Philips to make Sun and Moon Shine thro' him or words to that Effect."  

A court martial ordered by the council sentenced Captain Harding, "of the minute men," to be discharged from the service. The episode was but one of many petty military details that had to receive the attention of the Governor and his council.  

On Sunday evening, March 22, 1778, Governor Houstoun and his council witnessed a fire in Savannah which threatened the destruction of the whole town. Savannah's inhabitants went to the conflagration with "most Surprising Efforts and undaunted Conduct . . . stopping the progress of the flames." The following Tuesday, when the council met, the members passed a resolution of thanks "on behalf of the State to make their warmest acknowledgements to all the Citizens and Soldiers who were drawn together . . . by their ready and great exertions in extinguishing the fire which seemed for a time to threaten the whole town with ruin. . . . To the unparalleled activity [certain persons named] these Gentlemen may, under God, be ascribed the Salvation of the Court House, and consequently of a great part of the Town."  

56. Ibid., II, 68-70.  
57. Ibid., 3.  
58. Ibid., 60, 61.
Less than three weeks after the fire, the executive council, on April 16, 1778, made an extraordinary move. It conferred upon Governor Houstoun practically the powers of a dictator because the members felt that the situation in the state was truly alarming, and that “without the most spirited and vigorous exertions the machinations of our Enemies threaten to Succeed.”

If certain eventualities occurred that required “instantaneous measures,” and there was no time for the Governor to call his council together, that body deemed it constitutional for the executive power to be vested in a single person to exercise the prerogatives of government pertaining to the militia or to the defense of the state. By the supreme power assigned to him Governor Houstoun was given the pledge of the council to uphold him. After considering the action of the board, Houstoun expressed himself as unwilling to take any action without the sanction of the council. He had found by experience, he said, that it would be difficult to gather the members together hurriedly, “when much depended upon a minute,” but he agreed to act, as the council requested, during the crisis, or until the House of Assembly gave a contrary order.

The latter concurred in the emergency law by empowering the Governor to draft two hundred slaves from confiscated estates for the use of the Continental Army, or for the expedition against East Florida, to do fatigue duty. It was plainly evident that the state's authoritative powers sustained Governor Houstoun and his expedition against St. Augustine.

One of Houstoun's chief correspondents was his old friend in Charles Town, Henry Laurens, to whom he wrote from Savannah, June 9, 1778, referring to some of the acts of Congress, about which its president had informed him. He mentioned that South Carolina had aided Georgia by sending eight hundred men and a great number of volunteers to join the Georgia militia at the Altamaha River, adding that “no business was being done in matters of Civil Government.”

Shortly afterward Governor Houstoun set forth on his Florida campaign to be joined by

59. Ibid., 75-77.
60. Ibid., 76.
Colonel Micaiah Williamson of South Carolina. During the Governor's absence, the executive council was presided over by the president of the House of Assembly.

Two previous expeditions to East Florida were unsuccessful. One in 1776 led by General Charles Lee whose troops marched no farther than Sunbury, and the other, in the spring of 1777, commanded by Colonel Samuel Elbert, went only thirty miles below the mouth of the Altamaha River, when the discouraged commander ordered the expedition to return to the Satilla River. Undaunted by those failures, Houstoun prepared for a march into the enemy's territory, with the capture of St. Augustine as the objective. His dream of subduing the British in Florida and thus preventing an invasion of Georgia, was doomed to disaster, for three commanders disagreed on the question of the right to direct maneuvers: General Robert Howe, in command of Continental troops; Commodore Bowen, commissioned by the House of Assembly, commander of Georgia's naval forces; and Governor Houstoun, leader of the state militia. When, on July 1, 1778, the three contingents joined forces at Fort Tonty on the Florida side of the St. Mary's River, heated arguments began. Governor Houstoun held the position that with the authority granted to him he could not yield his right to command; Commodore Bowen refused to subordinate himself to anyone, contending that he was supreme in his naval department; and General Howe maintained that as an officer under the Continental Congress his authority was not to be disputed. In addition, there was Colonel Williamson who said his men refused to be subservient to a Continental general and would take orders only from him.

Governor Houstoun's attitude toward his military position in the Florida campaign was criticized severely by contemporaries and has been condemned by historians. The campaign was a tragic failure, but the type of army regulations exhibited at Fort Tonty was characteristic of what was occurring throughout the colonies. It exemplified the resistance to authority, and resembled an adolescent emerging into maturity without proper training to assume responsibility. Georgia had hardly reached the adolescent stage. From pioneer days to the year 1778, the state was only forty-five years old. Preparation in that brief period of col-

ORIZATION, compared to that of some of the other colonies which had been in existence from six or seven decades to one hundred and seventy years, made Georgia incapable of conducting a military campaign. Governor Houstoun's refusal to bow the knee to anyone was entirely wrong in the light of modern warfare. As a military proposition the whole plan could not have succeeded without one commander. But it must be remembered, too, there was at that time only a vague amalgamation of the Thirteen States trying to hold together under a loosely framed document designated "Articles of Confederation and Perpetual Union Between the States," and a Continental Congress presided over by a president. What historians have omitted in their reports is a view of the campaign from the side of Georgia's Governor. He was not more than thirty years of age; he had been given dictatorial power by those who had the right to confer it, and he may have felt that he would not have been justified in shifting his responsibility. With that aegis to hold before him, the Governor of Georgia, with his state militia, numbering about three hundred and fifty men, felt he must hold his ground. And John Houstoun was steadfast to what he believed his duty.

It has been said, "had a masterly mind been present, quickly would those discordant elements have been consolidated; rapidly by stern orders and enforced discipline, would the army, in all its parts have been unified and brought into efficient subjection. But there was no potent voice to evoke order out of confusion—no iron will to dominate over the emergency." John Houstoun, apparently, endeavored to manifest both a mind and a will, but he was out-generalized.

General Howe, a native of North Carolina, was Governor Houstoun's senior by fifteen years; he had had two years active training in actual engagements on the battlefield, and had risen to the rank of major-general in 1777. Houstoun had practically no military training; he was young, spirited and a born leader. The aim of the expedition was to "destroy the British power in Florida." The troops were transported through Georgia roads and through her waterways to the enemy's territory, with the

63. Ibid., 289.
64. Ibid., 298.
65. Coulter, History of Georgia, 126.
John Houstoun, "Rebell Governor"

object of protecting the state from British invasion. It would seem that a solution of the problem might have been reached among the wrangling commanders if Howe had handled the Governor of Georgia more tactfully.66 Perhaps he did try to do so and found the Governor obdurate. The general of the Continental Army was a man of wider experience and knowledge, not only in military tactics but matters in general. This criticism of the Continental officer seems justified from the fact that he called a council of war composed entirely of military leaders, excluding the Governor and Colonel Williamson. That might be called tactless; it was certainly discourteous and bordering on insult, from a layman’s point of view. General Howe’s officers upheld him on every detail that he submitted to them. One important point which he gave them was that he had accomplished the aim in delaying enemy troops from entering Georgia. Following the council meeting, General Howe left the Continental troops under the command of Colonel Elbert, and withdrew his headquarters to Savannah. It was not long afterward that Colonel Elbert followed with his troops, leaving Governor Houstoun and Colonel Williamson at Fort Tonyn. Those two officers, bereft of the assistance upon which they depended, planned an advance on St. Augustine, “conceived in a spirit of pride and vainglory”67(!), but they soon abandoned it, and the officers and men returned to their homes. However, it had been conceded that the campaign, although foolish, had delayed the advance of the British troops into Georgia, and, astonishing as it may seem, in the month of November Georgians cherished another undertaking with a larger force; but the tide of events which flowed at that time turned their attention from the proposed campaign.

It is interesting to compare the later life of the three men whose antagonism caused a military campaign begun in a spirit of patriotic fervor to result in collapse. The conduct of General Howe cost him his good name in Georgia, because, although the House of Assembly held a court of inquiry and he was acquitted,

66. The supposedly angry combat of words between General Howe and Governor Houstoun was not the first time the former’s authority had been questioned. In 1777 General Christopher Gadsden of Charles Town disputed with General Howe the right to command, the altercation resulting in a duel. Jones, History of Georgia, II, 324, 325.
67. Ibid., 302.
he never recovered from the disgrace of losing the capital of Georgia to the hated British. He did not lose standing, however, in his native state. 68 He was replaced by General Benjamin Lincoln, who remained in charge of the Southern Department until the coming of General Greene, the year following the fall of Charles Town. Commodore Bowen did not fare so well. In August, shortly after the Governor's return to Savannah, news reached the executive council at their meeting on August 25, that the naval officer had circularized the Navy Board of his intention to leave the state, whereupon it was ordered that before the Commodore's departure, the Navy Board must require him to make a full settlement of all his public accounts of the galleys under his command. 69 In November, Commodore Bowen wrote such an insulting letter to Governor Houstoun that the House of Assembly, by resolution, requested the latter to suspend Oliver Bowen from a "command within the State." The executive council on November 15 ordered that the same be carried out. The house passed a further resolution which was sent to the council requesting that Bowen be referred to a proper tribunal for trial. At its meeting of December 2, the council decided that the only proper and competent board before which the Commodore could appear was the House of Assembly, because the latter had commissioned him under the State constitution. 70 He eventually went north and died in Rhode Island in 1800. As will be shown by the ensuing narrative, John Houstoun's reputation in Georgia was not impaired by the unfortunate episode in Florida nor was his career blighted. If the affair was discussed among the members of his council, no record was made either of censure or of commendation on the Governor's conduct in the campaign. Houstoun was present at the council meeting on August 5 when the Florida campaign was not mentioned.

At the council meeting of September 18, consideration was given to the information of the brutal acts of the Creek Indians

69. Revolutionary Records of Georgia, II, 87, 119.
70. Ibid., 122. As there are no records extant of the Assembly of Governor Houstoun's first administration, no further information on the trial is obtainable from that source. In the year 1784, the executive council refused Bowen's petition for bounty land. Ibid., 587.
within the state, and it was deemed "prudent and necessary" to make provision against further depredations. Accordingly, detailed instructions were planned for the militia of the counties of Wilkes and Richmond to give the alarm for calling out the regiment if the intelligence should require such action. Scouting parties were to be kept for that purpose on the county frontiers. Acting on instructions from his council, Governor Houstoun wrote on September 20, 1778, to Governor Richard Caswell, of North Carolina, apprising him of the situation in Georgia:

I am sorry to inform your Excellency that Indian Affairs in this Part of the Continent at present wear the most serious aspect. The Creek Nation have actually begun a war and within this Fortnight passed have killed and cruelly butchered upwards of thirty of the Inhabitants of this State. Every Appearance seems to indicate that the Arts of our Enemies have at length prevailed and brought the Savages to espouse their Cause. The Tragedy of the Susquehana Settlement suggests that it is our Duty to catch the Alarm and be prepared against Contingencies.

We have in Concert with South Carolina set on Foot a negotiation, and in peremptory Terms demanded Satisfaction. What the result of this will be, a little time will inform Us, but for my Part I expect no answer but the Hatchet. their insolence and daring Conduct in driving off Cattle and Horses before the face of the owners for some Months past, have given Us to understand what progress the Enemy were making in their Friendship, and to accomplish their Points these more Savage Investigators have not been wanting in the most Profuse Presents.

Under Circumstances like these, lie, we persuade ourselves your State will, if the negotiation now afoot should prove abortive, afford the most ready and generous Assistance, and that it will with the four Southern States be deemed a Common cause to subdue an Enemy whose indiscriminate Attacks would of themselves produce such a Confederation.

I shall take the earliest Opportunity of informing your Excellency of the Fate and Consequences of our requisition of the Creeks, and in my opinion if they hesitate we ought to be decisive. a powerful Army marching against them would have more weight than all the Treaties and Talks that could be in-
vented, and should they prove obstinate their country will pay us as we conquer it.\textsuperscript{71}

On October 1 Governor Houstoun wrote to his friend, the President of the Continental Congress, conveying to Henry Laurens the news that war had commenced between Georgia and East Florida, and that persons from Florida in armed boats had carried off forty-four Negroes from the island of Sapelo. “The Creek Indians,” he continued, “have broke with us and cruelly butchered upwards of thirty of our Inhabitants. . . . The enemy have adapted themselves to the Genius of the Indians, and have paid them for scalps taken indiscriminately from men, women and children.” Again on November 25 the Governor wrote to President Laurens about the war: “The Enemy from East Florida entered the State of Georgia by land. Their savage warfare beggars description. The Parrish of St. John now presents one continued scene of horror, ruin and devastation.”\textsuperscript{72}

Early in December the House of Assembly adjourned, but the executive council continued to hold its meeting through December 26.

The change in events referred to above was due either to the stupidity of General Howe, or to his unwarranted lack of military acumen. Slowly but surely the British troops were advancing upon Savannah, employing, as Governor Houstoun had written, cruel measures as they proceeded. General Howe was in command of Savannah in December, 1778, with six hundred and seventy men comprising his Continental troops, and a small detachment of the militia. Had Howe remained there and kept the town in a state of siege, the consequences would have been reversed. Surrounded on the east by tidal rivers and marshes, on the north by a navigable river, and having on the south a road fairly well protected, Savannah might have resisted capture. Because General Howe failed to heed the advice of his officers, certain strategic creeks were left undefended, and because of betrayal by a Negro, Colonel Augustin Prevost with his forces entered Savannah on December 29, 1778. The little town was in a panic. So was General Howe. He and his army retreated into South Carolina by way of one of the ferries, leaving Savannah to its fate.

\textsuperscript{71} The Historical Society of Pennsylvania.

\textsuperscript{72} Henry Laurens, Letter Book, V, 16, pp. 142, 144.
JONATHAN BRYAN

Silhouette from the collection of the late Charles Spalding Wyly, of Brunswick, Georgia

Courtesy of Mrs. M. Hines Roberts, of Atlanta, Georgia
According to tradition, Governor Houstoun was in hiding at Retreat, the home of his brother George. Naturally, the British were searching the town and the outlying territory for the “Rebell Governor,” and on hearing of his probable hiding place they sent a boat and crew up the Vernon River through the creek on which Retreat was situated, to capture him. But a messenger carried the news to the Governor, and he had just time enough to run through the garden into the woods behind the house and climb a live oak tree where he remained until the raiding party took its departure. If that incident really occurred, John Houstoun lost no time in leaving a place of danger for one of safety, since he made his escape to Augusta where he had ordered the seat of government to be removed. When John Houstoun left Savannah at the first sound of British troops, his departure was so hasty that he had no time to gather up and take with him his own important papers. His inability to do so, while unavoidable, was most unfortunate, as it later brought evil consequences upon a valued friend.

John Houstoun's term of office ended the first Tuesday in January, 1779, and later in the month when he was at Purrysburg, South Carolina, Colonel Campbell, then in command of

73. The account of the incident was found in the papers of the late James Houstoun Johnston.
74. See post, 228. In explaining the loss of some of the records of Georgia in the year 1778, Allen D. Candler, editor of the Colonial and Revolutionary Records, makes conflicting statements in the prefaces of the two series regarding Governor Houstoun's orders for the preservation of state records. In the preface to Volume I, page 3 (1904) of the Colonial Records, he states: “... When Savannah fell into the hands of the British in December, 1778, the Secretary of State, Captain John Milledge, by order of Governor Houstoun, conveyed the most important records of his office and those of the Governor to Charleston to prevent their capture by the enemy. ...” In the preface to Volume I, pages 3, 4, of the Revolutionary Records (1908) he contradicts his previous statement: “... when in December, 1778, Savannah, the seat of government, was captured by the British, all the records of the state prior to that time were also captured and either carried away or destroyed except a few relating to the office of the Secretary of State which were saved only by the vigilence of the encumbent of the office, John Milton, who disregarding the orders of Governor Houstoun, conveyed his records ... to Charleston.” Candler gives no documentary proof for either statement.
Savannah, was still searching for the notorious and elusive rebel, John Houstoun. As soon as Savannah was captured, British vessels, under the command of Sir Hyde Parker, moved on to the town and one of the galleys continued up the river as far as the tide would allow. The object of Sir Hyde Parker's next move was to locate Governor Houstoun after the failure of the raiding party to White Bluff. Suspicion rested on Union, at Purrysburg, the plantation of Jonathan Bryan, the friend and father-in-law of John Houstoun. The party of soldiers dispatched to Union did not find the man they were seeking, but found instead an elderly patriot and his son, James Bryan, who were immediately taken captive and put on board a prison ship. Jonathan Bryan's wife and daughter, Mary Morel, widow of John Morel, with her little son Bryan and undoubtedly Mrs. John Houstoun, were at the plantation when the two Bryans were arrested. One of the daughters importuned for her parent and brother, beseeching Commodore Parker "to soften the suffering of her father, but with no avail, for she was treated with vulgar rudeness and contempt." Jonathan Bryan and his son James, then twenty-six years old, were taken to Charles Town, and finally reached Long Island, where for over two years they were imprisoned and suffered extreme hardships. One of the Bryans' oldest children, William, thirty-five years of age, was not arrested when the father and younger brother were captured; so it is inferred he was in the troops of the Patriots.

In mid-January Colonel Campbell was detached with British forces numbering one thousand men to capture Augusta and thus complete the subjugation of Georgia. Advance information undoubtedly reached Governor Houstoun which made it necessary

75. From a letter addressed to Lord George Germain written by Major General Prevost dated January 18, 1779: "On the first of January, Lieutenant Clarke of the Phoenix was dispatched with row boats about seventeen miles up the Savannah River. . . . Upon information that the late Rebel Governor was at a plantation on the South Carolina Shore. . . ." White's Historical Collections, 605.

76. Information on the Bryan family was obtained from entries in the Jonathan Bryan Family Bible and were furnished by the late Mrs. Franklin Buchanan Screven of Savannah, who copied them from the original Bible, now in the possession of the family of the late Mrs. Willoughby Sharp of New York City, lineal descendant of Jonathan Bryan.

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for him to leave the state before the House of Assembly met in Augusta to elect a new executive council on January 8. John Houstoun went to Purrysburg, South Carolina, where soon after the capture of Savannah, General Benjamin Lincoln, on January 3, 1779, arrived to assume charge of the Southern Department of the Continental troops, and established his headquarters.

A month after his arrival in Purrysburg, John Houstoun received a letter from his friend, George Walton, a war prisoner in Savannah, who begged the ex-governor to obtain his release. He wrote to John Houstoun on February 8, 1779, and the letter was addressed to the "Honorable John Houstoun in South Carolina":

I received your very friendly and welcome favor a few days after my captivity, late at night and just before the return of the flag by which it came: so that had I have had strength, I had not had time to acknowledge it.

Although my wound was generally thought mortal at first by all the surgeons, yet, by their skill, and some other fortunate circumstances, I hope I am now out of danger. I am, however, still confined to my bed, and expect to be so for some time, the cure of such wounds being very tedious.

I must particularly request that your attention be directed towards an Exchange or liberation of the Militia taken with me. I have wrote to General Lincoln upon this subject, but I cannot say that his was explicit and satisfactory—I would have you look into it. The men are confined on Board Prison ships: and must suffer much in the course of the hot season. I trust that my liberty will be provided for against the recovery of my health. We were taken during your Administration, and therefore expect your assistance upon this occasion.

I must request also that you will use your endeavors to procure me some hard money: for altho, by the bounty of those to whom I am Prisoner I have hitherto had everything either necessary, convenient or comfortable, yet it will soon be especially necessary that I should have some coin to keep me current. My situation rank and relation to this country, will, I hope, excite the necessary executions, somewhere, to supply me: but I wish to depend upon you.

Upon these several subjects, be pleased to let me hear from you. I am with compliments to Mrs. Houstown . . . .

78. Historical Society of Pennsylvania, MSS. Department.
George Walton was not liberated until September, 1779, which fact would seem to indicate that John Houstoun was unable to procure an exchange for his friend.

Upon reaching Purrysburg, John Houstoun learned of the plight of his wife's father and brother, and soon afterward took up their cause by using his influence with the former president of the Continental Congress, then a delegate from South Carolina, to whom he appealed in seeking to have Jonathan Bryan and his son exchanged and returned to their home. The president of the Continental Congress from 1777 to 1778 was John Houstoun's friend, Henry Laurens. After the latter's sojourn in England he returned to Charles Town and entered vigorously into the patriots' cause in his native state, especially in the provincial Congress "where he continued one of the most prominent leaders in South Carolina affairs until his departure for Congress." 79 He took his seat there on July 22, 1777, succeeding John Hancock as president on November 1st of the same year. Evidence of existing letters shows that a regular correspondence continued between the two friends, Laurens and Houstoun, and sometimes the communications were of a most confidential nature. In a previous letter John Houstoun had written to Henry Laurens, January 2, dating his letter, "Georgia," (John Houstoun was undoubtedly in Augusta then) when he informed him that Savannah was in the hands of the enemy and described the capture. 80 Because of their close affiliation John Houstoun felt free to appeal to Henry Laurens in Philadelphia in behalf of the Bryans. The letter was written from Purrysburg, January 22, 1779:

I had forgot to mention in my letter the case of Old Mr. Bryan and his Son James. They were, three nights after the action at Savannah formally taken by a small Party of the Enemy from the Plantation in South Carolina called The Union and immediately put on Board a Prison ship called the Whitby. Mr. Bryan two days ago by some means got a letter to his Wife wherein he says he was just then ordered on Board the man of War and was immediately to be sent to New York—if an Exchange can be effected for him I dare say his age and your former Acquaintance with him will be sufficient Advocates in

79. Wallace, Life of Henry Laurens, 199. Laurens resigned the presidency December 8, 1778. Ibid., 235.
his Favor to induce you to cause particular attention to be paid to his Case.  

But the wretched situation of the Bryan prisoners could not be altered so easily. On June 5, John Houstoun again wrote to Laurens from "South Carolina," saying: "In my former letters I took the Liberty of stating to you the Capture and Treatment of your Acquaintance Mr. Jonathan Bryan since which I find that Gentleman has been sent to N. York and is now a Prisoner on Board a Prison Ship at that place. I rest satisfied as do his Wife and family that nothing in your Power will be omitted to get him exchanged and restored to his Country as soon as such a Measure can be effected Since the Enemy make an Object of Resentment of him we ought in my Opinion for the same Reason make him an object of particular attention, and so far as relates to those who know him, I am persuaded this will be the case. Major Rice being just setting off I must conclude."

That Henry Laurens was doing his utmost to arrange with British authorities for an exchange of prisoners is shown by a letter which he wrote to Jonathan Bryan from Philadelphia July 14, 1779:

I received but a few days since your Letter of the 20th June. Almost in the same moment in which your favor by Genl Thom-son reached me, I was informed that yourself & Mr. Bryan your Son were gone from New York under a flag for Georgia, this false intelligence restrained my pen & stopped the progress of a Letter from Mrs. Bryan which will now accompany this. I have cut the paper from the seal, knowing the impropriety of attempting to send sealed packets to a prisoner of War without special permission, but I am totally ignorant of the contents, the signature only excepted. I have before me a Letter from Mr. Houstoun dated the 5th June Mrs. Bryan and your family were then well.

Congress will not consent to exchange Citizens in the manner you were captured, all solicitation on that head would be fruitless.

If the Commander in Chief of his Britanic Majesties forces at New York will permit you to return to Georgia on parole &

82. Ibid.
your son also, I will pledge my honor that a suitable exchange shall be made or that both shall be forthcoming whenever a demand shall be made, when I reflect on the many instances of similar consideration which on our part have been extended to British Officers who have been in peculiar circumstances, I cannot help concluding that an application to Sir Henry Clinton will meet with success.

I am persuaded if Sir Henry knew of the many acts of kindness which as an individual I have shown to British prisoners he would not hesitate a moment, even upon my request for your enlargement on the terms above mentioned . . . .

You Sir, who have been schooled in the doctrine of Christian fortitude will not suffer your spirits to sink under a light weight, reflect that you are on Long Island, where you enjoy wholesome air & have a proper scope for exercise, the contracted sphere of a ships hold occupied by 100 inmates might from an old man, extort a groan. In your present situation be thankful a little practice will make you cheerful.83

Two days after he had sent his letter to Jonathan Bryan, Laurens wrote to John Houstoun:

In answer to your favor of the 5th June permit me to assure you I have done everything in my power to assist our worthy friend Jonathan Bryan Esq. to whom I writ a Letter Yesterday, Copy of which you will receive herein and to which I beg leave to refer.

While I remain in Philadelphia my attention shall be continued and I trust I shall find means of obtaining his enlargement and you will observe that in my plan I include his Son . . . .84

Mrs. Bryan and her daughters were safe at Purrysburg as long as General Lincoln’s troops were occupying the town, and that was up to April, 1779, at which time Lieutenant Colonel Prevost began his march into South Carolina. General Lincoln had set out for Augusta on April 20, with two thousand light infantry, and General William Moultrie was left at Purrysburg with one thousand men, but on the approach of Colonel Prevost he retired toward Charles Town. Colonel Prevost crossed the Savannah River at Purrysburg and advanced as far as Port Royal,

83. Courtesy of Mr. Charles Francis Jenkins. Original in his private collection.
South Carolina, where he established a post, leaving a detachment there while he returned to Savannah.

It seems likely that when the above happened, Mrs. Bryan and Mrs. Morel, with the latter's little son, succeeded in slipping over to Georgia to their Brampton plantation, while John Houstoun and his wife hastened toward Charles Town, as the former was later referred to as "a refugee in South Carolina."

As late as December 27, 1779, John Houstoun again wrote to Henry Laurens about the Bryan men. Henry Laurens did not succeed in obtaining the release of Jonathan and James Bryan, as they remained prisoners at Long Island until the end of the war. To maintain his health and vigor, Jonathan Bryan was allowed to exercise while in captivity: "He swum around the prison ship in New York Harbor for exercise while British grenadiers watched him from the decks with muskets ready."

In the spring of 1779 John Houstoun's friend, Henry Laurens, was placed in an embarrassing position before the members of the Continental Congress through the unintentional negligence of the former Governor of Georgia. Among the papers which John Houstoun was forced to leave behind him when he made his hurried exit from Savannah in late December, 1778, was a confidential letter from Laurens, President of the Continental Congress. The letter, in which Laurens severely criticised some of the delegates to Congress, was most indiscreet, considering the dangerous times, for it was written on August 27, 1778. While Congress was in session in May, 1779, the communication, purporting to be one from former President Laurens to Governor Houstoun of Georgia, appeared in Revington's *New York Gazette*. Its aftermath was the creation of several turbulent scenes in the United States Congress. On May 14, a Virginia delegate, Meriwether Smith, moved that the letter which he asserted "contained matter derogatory to the Congress," be read and that Laurens be called on to state whether or not he had written it. The motion was defeated, and the next day Laurens, who was a mem-

ber of the South Carolina delegation, and no longer in the chair, spoke in his own defense, first stating his opinion of the manner in which the delegate from Virginia had brought the matter before the House. Congress, and especially Henry Laurens, had had a long siege debating the Deane-Lee feud. Partisan politics over the two foreign representatives was seething, tempers were high and nerves were taut. On May 15 Laurens defended himself on the floor of the Continental Congress explaining that "... if I have been guilty of aught criminal or have inadvertently expressed anything amiss in my correspondence as a private citizen with Mr. Houston, I would rather receive a censure or a reproof from Congress than be charged with a want of candour, or commit my conduct to the whispers of malice, I take the liberty of informing Congress that I did on the 27 of August, write a private letter to Governor Houston." The South Carolinian offered to submit the letter to Congress if requested to do so, but his offer was not accepted. The following day Smith, the Virginia delegate, presented his side in a written statement, asking that, as Laurens' paper, was, by vote, entered in the journal, he be granted a like privilege, but a negative vote denied the Virginian's request. A contemporaneous writer put it that in the letter to "Governor Huiston [sic]," Laurens "had unbosomed himself with the unsuspecting confidence of a person communicating to a friend the inmost operations of his mind. In a gloomy moment he had expressed himself with a degree of severity." The debate in Congress reached the ears of General Washington, then at his "own headquarters in the Jerseys in the neighborhood of Middlebrook." It "... added much to the alarm with which [he] viewed that security which had insinuated itself with the public mind." How damaging the Laurens letter in question was, can be seen:

I am constrained to say that unless the several states will keep their representation in Congress filled by men of competent

88. Ibid., 610-613.
ability, unshaken integrity and unremitting diligence; a plan which I very much fear is laid for the subduction of our Confederate Independence will, by the operation of masked enemies, be completely executed; so, I mean, as relates to all the seacoast, and possibly to the present generation. Were I to unfold to you, sir, scenes of venality, peculation and fraud which I have discovered, the disclosure would astonish you; nor would you sir, be less astonished were I, by a detail which the occasion would require, prove to you that he would be a pitiful rogue indeed, who, when detected or suspected, meets not with powerful advocates among those who, in the present corrupt time, ought to exert all their powers in the support of these much injured . . . states. Don't apprehend, sir, that I color too highly or that in any part of these intimations are the effect of rash judgment or despondency. I am warranted to say they are not. My opinion, my sentiments, are supported every day by the declarations of individuals; the difficulty lies in bringing them collectively to attack with vigor a proper object. I have said so much to you, sir, as Governor of a State, not intended for public conversation, which sound policy forbids; and at the time, commands deep thinking from every man appointed a guardian of the fortunes and honor of these orphan States.92

But what about John Houstoun? How did he feel when he learned that through him his good friend Henry Laurens had been placed in a most unhappy position before the United States Congress? In time the information was conveyed to him, and it will be seen that his contrition was not lessened because the fortunes of war made those in whom he had confidence betray his trust. Writing from Round O, South Carolina, December 27, 1779, he gave a partial explanation of the publication of the ill-fated letter:

It would take a long time to unfold to you Sir the manner in which your Letter to me published in the New York Gazette and which the Enemy mistakenly thought to draw an advantage from fell into the hands of Col. Campbell. Suffice it at this time, and until I have the pleasure of seeing you, to say and I assure you I was in no fault, the Enemy got it with many others of my papers thro' the unkindness of Forgetfulness of some — and the treachery of others from whom I expected things, how-

ever I was fully compensated in my feelings to find that it was intended by those desponding Agents of Injustice as a deadly Blow to your Reputation, terminated so much to your credit and advantage with every upright man in America.93

Before John Houstoun's letter reached him, Henry Laurens had resigned the presidency of the Congress because of the Deane-Lee feud, and was succeeded by John Jay of New York. He was appointed on a commission to Holland, but he returned to Charles Town before he could leave for The Netherlands. It was probably then that he and John Houstoun met and talked over the whole incident. It was not until after the first part of 1780 that Laurens set out on his mission abroad. The ship on which he sailed was captured off the coast of Newfoundland, and he was taken to London where he was imprisoned in the Tower for over a year. On his release December 31, 1781, he remained abroad serving with the Peace Commissioners in Paris, and engaging in diplomatic negotiations in London, trying to hasten the end of the war. He did not return to the United States until August, 1784.

Besides his correspondence with Henry Laurens, John Houstoun found consolation in communicating with another friend, Edward Langworthy, who was educated at Bethesda Orphanage, near Savannah, where later he became a teacher. Langworthy was a former secretary of Georgia's Council of Safety in 1775, Secretary of the Georgia Constitutional Convention in 1777, and at the time of his writing the letter to John Houstoun on April 5, 1779, he was an elected delegate to the Continental Congress. Langworthy understood John Houstoun's motive, and praised, rather than censured him, for his conduct in the campaign to East Florida. The primary object in writing to Houstoun was to introduce two officers, Major Mathew Clarkson and Major David S. Franks, who were then proceeding to join General Lincoln in the south. The letter was written from Philadelphia, April 5, 1779.

... I cannot express to you my distress for the misfortunes that have attended the inhabitants of my Country. It was always my Opinion, that something of this kind would happen, unless decisive measures were adopted against East Florida and I was highly

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pleased when I perceived that you were convinced of this point. I am conscious of what Efforts you have made to save an unhappy People, the difficulties you have encountered and what Chagrin you must have felt on being disappointed in your expectations, however, I would not have you despair, for I have abundant reason to assert that I make no doubt of your being again restored to your Country.94

Wherever John Houstoun was located at that time, at least the Georgia executive council and President, John Wereat, had been apprised. The seat of the government had been set up again in Augusta, and at a meeting held on August 31, 1779, the council balloted for delegates to represent Georgia in the Continental Congress. For the third time John Houstoun was chosen a delegate with Edward Telfair and Edward Langworthy. Three days later, September 3, the Council “ordered That Mr. President do write to Mr. Houston and Mr. Telfair acquainting them of being elected Delegates.”95 Again John Houstoun did not go to Philadelphia.

Since Edward Langworthy was advising John Houstoun of the addition to General Lincoln’s troops of two northern officers, it seems an indication that Houstoun was already an integral part of the army that was fighting for the country’s independence. He saw service in the Continental troops, as he joined the staff of General Lachlan McIntosh, who, after serving with distinction under General Washington, was ordered by the Commander-in-Chief of the American Army to join General Lincoln in Charles Town in the spring of 1779. The time when John Houstoun began his volunteer service in the Continental Army has not been ascertained, but he was definitely there in September, 1779. In the order book of Colonel John Faucheraud Grimké, of South Carolina, lieutenant colonel of artillery, is an entry to the effect that John Houstoun and several others, all “Volunteers in the Army are appointed Confidential Officers attendant on Gen’l McIntosh, & are to be obeyed & respected accordingly.”96

94. Historical Society of Pennsylvania, Gratz Collection, Case 1, Box 21.
John Houstoun's lines fell in pleasant places as General McIntosh was both a friend and a family connection. He was the brother-in-law of John Houstoun's sister. Since the ill-fated Florida expedition, Houstoun was a wiser man, having learned by bitter experience the first law of military discipline. Occupying no state office in 1779, it was then an easy matter to follow a superior officer, with no responsibility on his own shoulders. Since, in September, 1779, the American troops were planning the capture of Savannah, still in the hands of the British, and General McIntosh took part in the ensuing engagement, there is more than the barest possibility that Houstoun was with him in that fierce battle. It was on the afternoon of October 13 that McIntosh "formed a junction with the advance guard of Lincoln's army; and on the night of the 15th the two commands now wholly united, encamped at Cherokee Hill." John Houstoun, however, was not officially in the Continental Army. 97

After the failure of the American and French forces to wrest Savannah from the British, John Houstoun probably joined his wife at Round O, as it was from there that he wrote to Henry Laurens in December of that year. 98 Round O was a settlement situated between a swamp or river of that name and the Ashepoo River, and about forty or fifty miles southwest of Charles Town. It was in the vicinity of Jacksonboro, 99 near which place it is likely that John Houstoun's plantation was situated. His wife was there the following summer. On June 11, 1780, Mrs. Bryan wrote from Brampton to her husband still on a prison ship off Long Island: "I heard from Hannah a month ago, at which time she was at Jacksonboro." 100

While in South Carolina John Houstoun was attainted of high treason. When the Royal Legislature convened in Savannah in May, 1780, and passed the British Disqualifying Act, John Houstoun's name headed the list of persons "incapable from holding

98. See ante, 231.
99. Jacksonboro was a small village on the southwest bank of the Edisto, where the river is known by the name of Pon Pon. It consisted of the courthouse, jail, and two or three small houses, and was thirty-five miles from Charles Town.
100. Mrs. J. H. Redding, Life and Times of Jonathan Bryan, 1708-1788 (Savannah, 1901), 84.
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or exercising any office of trust honour or Profit in the Province of Georgia . . .” as “late of this province Rebell Governor.”

Although he had relinquished his office sixteen months previously, the opprobrium cast upon his brother disturbed George Houstoun with the result that he sent a memorial to the Commons House of Assembly which was read at its meeting in Savannah, June 8, setting forth “that having heard a Bill is now pending in this House for attainting and banishing, amongst which number is John Houstoun he begs leave to produce some Evidence on behalf of the said John Houstoun, touching his late conduct in the Province, which was granted him, several Gentlemen were called and examined accordingly.” It was, then ordered that “the said Memorial do lie on the Table for the perusal of the members.”

By drawing on the imagination the scene in the Assembly easily can be pictured. No doubt silence greeted the last words of the reader as well as the evidence of the “several Gentlemen” who offered testimony on the late conduct of the former state governor. The delegates of the Royal Assembly in all likelihood listened with contempt or amusement while the memorial of George Houstoun, a Loyalist by that time, expressed the feelings of a devoted brother, defending one who was guilty of fighting against his king. With extreme care the secretary of the house omitted to give even a hint, as was often the case, of the content of the memorial or any of the testimony of the men who offered their opinion adversely or in favor of the former resident of the colonial capital. Some of the delegates of the Assembly may have had curiosity enough to scrutinize the document which did “lie on the table.” At any rate there it rested, probably, until the secretary removed it with other papers, because the Crown legislators took no further notice of it in their proceedings. George Houstoun had his trouble for nothing, and the information was recorded as written.

8

While her father and brother still were held captives in New York state, Hannah Houstoun heard of the death of her mother in Augusta, March 21, 1781. Mr. and Mrs. Bryan had been married a little over forty-three years, and they had, in letters,

102. Colonial Records of Georgia, XV, 590, 591.
expressed their fear that they would never see each other again. The unhappy prisoner on Long Island wrote to his wife on June 3, 1780: "expect to see you no more on this side of time, as I decline fast, but shall meet you in heaven." Before his letter reached her, Mary Bryan had written to her husband in her June 11 letter from Brampton: "We are far advanced in years [he was seventy-two] and according to the course of nature cannot live long." In less than a year the husband's prophecy was fulfilled and his life companion had passed away.

Just five months after his wife's death Jonathan Bryan and his son James were back in Georgia. From the day of Jonathan Bryan's recorded reappearance at a meeting of the executive council, in Augusta on August 26, 1781, that body held fifty-four meetings through December 28. During that time Jonathan Bryan attended thirty-eight of them. In the month of November when the Council met fifteen times, Jonathan Bryan was absent once. That was an extraordinary record for a man who had endured the hardships and confinement of a prison ship and inferior rations for at least a year and a half. When his son James took the oath of office as treasurer on August 30, Jonathan Bryan was not present at the meeting of the executive council, although he did attend the next day. Even in the year, 1782, Bryan lived up to his reputation for regular attendance at the meetings of the council, as he was present twenty-two times out of twenty-six through January and February. Thereafter it would appear that he returned to his plantation near Savannah, as his name was absent from the roll until July 14, after which time his regularity was obvious.

John Houstoun was recalled to Georgia in January, 1782, at the meeting of the House of Assembly of the state, held in Augusta on January 3. Letters were read to the members from the delegates in the Continental Congress enclosing an account of money drawn by the State of Georgia from the Continental Treasury. A committee was appointed to whom the matter was referred, and the next day William McIntosh from the committee re-

104. Ibid., 84.
105. Revolutionary Records of Georgia, II, 256-399.
ported "that John Houstoun Esq., be cited to appear in this state to render an account of all money he has had in his hands on Account of the same and in case he refuses to comply, that application be made to the Executive Authority of South Carolina for sending him into the same agreeable to the Articles of the Confederation." Nothing in John Houstoun's previous mode of conduct could make the committee suspect that he would be unwilling to return to Georgia, or that he was incapable of accounting for all the money that had passed through his hands during his term as governor. No doubt he was most happy to be called back to his native state, but it must have been to Ebenezer that he first returned, since the British were still confined in Savannah by General Anthony Wayne.

The former Governor's financial report must have proved satisfactory in showing his disbursements of Continental funds, as on April 20 John Houstoun's name was read with three others as a delegate from Chatham County. He did not appear in the assembly, however, until July 3, when the legislature met in Ebenezer, having adjourned there from Augusta, as the evacuation of Savannah seemed imminent. Houstoun was present then as an accredited delegate, and he continued his membership throughout the year.

July 11, 1782, was a happy day for expatriated Savannahians. In the morning the British troops evacuated Savannah, and in the afternoon General Anthony Wayne marched in with his troops and took possession of the town. He accorded to General James Jackson the honor of receiving at the principal gate the keys of the city as a symbol of the surrender. Governor Wright was conveyed by ship to Charles Town, other military officers were sent to New York, and Loyalists, women, children, Indians, and Negroes, left for Florida and the West Indies. After three and a half years of Crown rule, Savannah was again in the hands of republican leaders. The members of the legislature followed upon the heels of the departing Loyalists, and on Saturday, July 13, the assembly reconvened in Christ Church. John Houstoun was again present. When the assembly met on Monday, a committee on "privileges" and elections was appointed which later in the day reported "that they refer the right of John Houstoun and Thomas

105. Ibid., II, 38, 44, 109, 118.
Maxwell Esquires, taking their Seats in this Assembly to the determination of the House.” The house ordered that the report be considered the following day, when it was unanimously of the opinion “that the two delegates had a right to their seats in this House.”

On the day the Georgia assembly reconvened in Savannah, provision was made immediately to have some meeting place other than the church. A committee was appointed to request Governor Martin to order the public filature to be fitted up and put in order for the use of the assembly. Apparently the plan did not carry, for, soon after, the house met in a room at the home of Lucy Tondee and continued to sit there throughout the year 1782. Back in harness once more, after four years absence from the routine of legislative activities, the ex-governor of Georgia was immediately drafted for committee work. The speaker of the house, James Habersham, waited until Wednesday before naming John Houstoun a committee member. His first assignment with William O'Bryan, another delegate from Chatham, was to “Provide Accommodations Diet and other necessarys for the Members of this House during this Session and any engagements they may make or moneys they may advance; this House will comply with or reimburse them before the rising thereof.”

There were forty-one members of the assembly at that session, seven of them from Chatham County. During the months of July and August, John Houstoun served on ten other committees: to bring in bills for opening the courts of justice; to establish churches and schools in the state; to report on the business necessary to be done before the house adjourned; to consider a letter from Daniel Murphey, superintendent of Indian

108. Ibid., 187, 544.
109. While governor of Georgia John Houstoun had occasion to write to Benjamin Franklin in London, March 17, 1778, “That the son of a Georgian, Mr. O'Brian, who was sent to school at Smith's Academy near London, the report prevails that he has been trepanned on board a British man-of-war in the Thames and detained as a prisoner; begs Franklin to enquire into this matter and if it is true, effect an exchange.” From Calendar of the Franklin Papers, v. 1, p. 377. Letter found in v. 8, no. 175 of the Franklin Papers in the Library of the American Philosophical Society, Philadelphia.

110. Revolutionary Records of Georgia, III, 132.
PLAN OF JOHN HOUSTOUN'S WHITE BLUFF PROPERTY

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affairs, setting forth the desire of a number of Indians who wished shortly to pay a friendly visit; to inquire into the abuses that had been committed to the public boats, and the "quantity of Salt ordered to be sent up to Augusta for the use of the Inhabitants of the Back Country." He was also put on special committees: one to consider a letter from Brigadier General Wayne, enclosing a "Talk" to the Creek Indians; one to consider a proclamation to the inhabitants of East Florida; and another to take into consideration sundry recommendations from the governor. As chairman of the committee to consider the letter from General Wayne, John Houstoun brought in the report the day after appointment, which was Sunday, August 4, recommending that a committee be appointed to wait on the general and express to him the "high sense the house entertained of his important services already rendered to the state, giving him assurance that all of his plans and operations will have for their object the welfare of this and the other confederated states..." LeConte and Houstoun were continued on the committee to carry out the recommendations of their report. The last committee appointment received by John Houstoun at that session was to be one of the members to revise the minutes of the house and "to see that the Speaker sign the same." The date of adjournment was Monday, August 5, and the time set for the house to meet again was the third Tuesday in October. When that day arrived, October 15, "a number of the House of Assembly met but not being a Sufficiency to compose a House they were Adjourned till tomorrow morning at 10 o'clock." The same thing happened on Wednesday, Thursday, Friday, Saturday, and Sunday, and on Monday John Houstoun's name was listed for the first time as being present, but still there was no quorum, and on that day, October 21, "there being no likelihood of making a House," the legislature adjourned until the opening of the new assembly.

The time allotted for attendance and committee work at the July and August meetings was exactly twenty days and included some Sundays. The Chatham County delegates who were associated with John Houstoun, besides the speaker, James Haber-

111. Ibid., II, 386; III, 147, 157, 163, 176, 177, 179, 180.
112. Ibid., 188-191.
sham, were Joseph Clay, John Gibbons, Joseph Woodruff,\textsuperscript{113} Frederick Rehm, and William O'Bryan. While the assembly was in session, John Houstoun's father-in-law, Jonathan Bryan, was attending regularly the meetings of the executive council.

While John Houstoun was a refugee in South Carolina, and the British were occupying Savannah, Dr. Lewis Johnston, provost marshal, advertised for sale “a lot in Savannah and one hundred and fifty acres in the township of Vernonburg . . . with dwelling house, buildings, hereditaments, members and appurtenances,”\textsuperscript{114} all the property of John Houstoun. Neither sale was consummated, and it is evident that the Houstouns went to White Bluff to live when they returned to Georgia after the evacuation of the British from Savannah. On June 13, 1782, John Houstoun bought, through the board of commissioners appointed the previous month to take possession of confiscated estates, fifty acres at White Bluff, formerly owned by Robert McCormick, and for which he paid one hundred and twenty-seven pounds ten shillings. The tract was across the road from Houstoun's plantation on the one leading to Coffee Bluff. The frontage faced the creek, and gave a view of the Vernon River and the woods beyond. Two of the Houstoun brothers were neighbors, as Retreat, the plantation of George Houstoun, was across the road leading to Savannah.

With the opening of the year 1783, the Georgia House of Assembly was in session the first Tuesday in January. John Houstoun was returned as a member from Chatham County, and with him in the delegation was his brother William Houstoun. After the delegates had qualified, the temporary chairman, Benjamin Andrew, was chosen and a few committees were appointed, followed by the balloting for governor. Lyman Hall was elected. The next morning at 9 o'clock the house met, selected the executive council, and “the house then Proceeded to the Choice of a speaker When John Houstoun Esq' was elected.”\textsuperscript{115} After appointing the committee to draw up an address to the

\begin{itemize}
\item \textsuperscript{113} Joseph Woodruff’s relationship to George Woodruff, if any, has not been ascertained.
\item \textsuperscript{114} \textit{Royal Georgia Gazette}, September 13, 1781.
\item \textsuperscript{115} \textit{Revolutionary Records of Georgia}, III, 193. Also \textit{The Gazette of the State of Georgia}, January 30, 1783.
\end{itemize}
governor-elect, the new speaker's first official act was to sign the document on which the address was written, "John Houstoun, Speaker." as soon as the committee brought it in. Houstoun presided Wednesday, Thursday, Friday, and Saturday, and he opened the house on Monday morning. The previous Friday Dr. Noble Wimberly Jones had taken the oath of a delegate as prescribed in the constitution. Monday morning John Houstoun made an unusual gesture in favor of an older man. If there was any motive to be put on his forthcoming act the minutes of the legislature fail to assign it, but simply state: "Mr. Houstoun expressing a desire to decline The Chair in favor of Mr. Wimberly Jones who arrivd [sic] since the choosing of a speaker the same was agreed to by the House and Mr. Jones Accordingly took the Chair as Speaker." Consideration for one with whom he had been associated closely on many occasions may have influenced John Houstoun in his resolution to waive his election as presiding officer of the house which had chosen him. But that may have been the understanding when he was elected. As presiding officer of the Georgia legislature, Dr. Jones was by no means a novice, and he was certainly popular with its members. As far back as 1768 he was elected to the office and served. He was chosen again in 1770, but the Royal Governor, Sir James Wright, refused to sanction the election because of Dr. Jones's views on the oppressive acts of Parliament. When the house was informed of Governor Wright's decree the members declared "it was a high breach of its privileges." For its incendiary attack on the governor, he immediately dissolved the assembly. When James Habersham was president of the Royal Council and acting governor in 1772, the house again chose its popular member, Dr. Jones, for its presiding officer, and so notified Habersham, who responded: "I have His Majesty's commands to put a negative on the Speaker now elected . . . ." Nothing daunted, the delegates' choice again fell on Dr. Jones, but naturally their vote for the second time received Habersham's disapproval. Dr. Jones was thus left to take his place as one of the leaders in the cause of liberty, and at the momentous convention of 1777, called to frame

117. Ibid., 211. Also, The Gazette of the State of Georgia, February 2, 1783.
the first constitution of the state, he was at last in the chair of the presiding officer.

When John Houstoun stepped down from the rostrum in January, 1783, and Dr. Jones replaced him, the first act of the latter was to appoint John Houstoun one of a committee of three to consider the cession of lands from the Indians. Immediately afterward the chair appointed William Houstoun on an important committee. During the remainder of January and until February 18, the house met continuously, and of the numerous committees appointed, both standing and special, John Houstoun was assigned to serve on twenty. On February 18, the house adjourned to meet again in Augusta on May 15, but when that day arrived, once more there was no quorum, and the members who attended adjourned until the following day. William Houstoun's name appeared among the eight listed, but John's was missing. The few members who met from day to day endeavoring to "compose a House" finally decided to suspend business until July 1, when by proclamation of Governor Hall they re-convened in Augusta to be met with the same discouraging situation. John Houstoun attended on Monday, July 7, with his brother William, and the next day a sufficient number of delegates was present and the house proceeded to business. Petitions of those wishing to be taken off the amercement act or to be restored to citizenship, and reports from committees occupied the time of the members; and a record of the yea and nay votes shows that John Houstoun attended the meetings with regularity as did his brother. One special matter that was usually referred to "Mr. Telfair, Mr. Clay and John Houstoun," 118 pertained to messages or papers presented from the governor. Such routine business came to a close the first of August when the assembly's work was finished for the year. The executive council, meeting concurrently, also adjourned on August 1 to Savannah where it held its sessions at the governor's house, and continued to meet periodically until the end of December.

The legislature met in Savannah the first Tuesday in January, 1784, but again lacked the required quorum of delegates for the transaction of business; so adjournment was in order until the

118. Revolutionary Records of Georgia, III, 355.
next day, January 7, when nineteen “Gentlemen attended,” among them John Houstoun returned from Chatham; the gentlemen qualified and took their seats, “But not being a Number Sufficient to Compose a House & Proceed on Publick Business they were Adjourned to Tomorrow Morning 9 O’Clock.” The next day, Thursday, January 8, brought better results, for ten more delegates arrived and the house proceeded to business by electing James Habersham speaker. The usual routine business continued until the special committee appointed to procure a place for the accommodation of the house reported that the “House in the temporary Possession of Hezekiah Wade was a fit Place for the Purpose,” whereupon the meeting adjourned to Wade’s residence. Other delegates arrived in the meantime, the number in attendance totalling forty, and with the arrival of eight additional members from Richmond County who were qualified and took their seats, “the House then Proceeded to the Choice of a Governor and on casting up the ballots John Houstoun Esq was elected. Next in order was the election of the executive council to serve with the governor, and the appointing of the committee to draw up the address to be delivered to him. That committee consisted of James Jackson and William Gibbons from Chatham and William Few from Richmond. Adjournment until the next day followed. In the morning the committee reported; the address was read, and then signed by the speaker. The same committee had been assigned to wait on the governor-elect to apprise him of his election. The members reported that John Houstoun had signified his acceptance, and that he would attend the afternoon session to qualify and give an address to the house. True to the arrangement the new Governor was present at four o’clock. Addressing the members, he pledged himself to carry out his full duties:

Mr Speaker and Gentlemen of the Honorable House of Assembly. This Repeated and Unsolicited Mark of Approbation from My Country, cannot but excite in my breast sentiments of the Warmest Gratitude and Affection, And whilst on the one hand I feel some Reluctance at departing from a Resolution I had formed of confining myself in future to Private life on the other I am free to confess that the Present deranged State of

119. Ibid., 418-420.
120. Ibid., 422, 424.
our Publick concerns both as they respect our Federal Connexion & our internal Police—seems to Require that every Man should contribute his Part in the Sphere Assigned him by the Suffrage of his Fellow Citizens, towards the Accomplishment of a Respectable and Permanent System under the influence of this Impression, I shall not hesitate to Sacrifice all Considerations of a domestic nature to the superior duties of My Relative Station—and therefore agree to Accept of the Honor of your Appointment.

The toils and Dangers of War being now done away, by a Peace as Glorious as beneficial to our Country, Permit me to Assure you it shall be the Chief end and Pride of my Administration to improve the event into the most lasting Security for all the Rights and Privileges of Freemen—And Convinced as I am of the Necessity of Law and Government in order to Render Society a blesion [sic] no Exertions on My part shall be wanting to reduce Refractory Individuals to a sense of what they owe the Community and on yours I shall trust for that Support which so desirable subject demands.¹²¹

John Houstoun was not destined to see the fulfillment of his desire to live as a private citizen for there lay before him ten years more of public service. Having delivered his address to the legislature, Governor Houstoun left the house to meet with his executive council with whom for the next twelve months he was to carry on the executive branch of the government of Georgia. The men who were associated with him, two from each of the six counties, Liberty, Burke, Wilkes, Richmond, Chatham, and Effingham, with John Habersham, the president,¹²² were acquaintances of long standing. They had worked and served together for several years on committees and in the legislature, and that fact gave to the Governor the assurance of sympathy and understanding from his board. John Houstoun’s regularity in meeting with his council was marked. The only times he failed to be present were the meeting after he took office on January 16, and the one on March 4; thereafter throughout his term, “His Honor the Governor” headed the list of those present at each meeting. One of the first tasks that confronted him on taking office was that of signing grants to applicants for two hundred or more

¹²¹. Ibid., 427.
¹²². Ibid., II, 576.
acres in the new counties Franklin and Wilkes, created out of the lands which had been added recently by cessions from the Indians. During the year Governor Houstoun signed over thirteen hundred and seventy-five grants of land covering hundreds of thousands of acres.

The Governor and council were constantly called upon to hear petitions from individuals desiring restoration to citizenship and from others who wished to be taken from the banishment act and put on the amercement list. It was not unusual for the Governor to take to his council certain queries on which he wished advice. Routine matters continued through January and February, and on the twenty-sixth of the latter month the House of Assembly adjourned its sessions.123

Although peace was signed in Paris, September 3, 1783, the official notification did not reach Savannah until six months later. At the council meeting held on Monday, March 1, 1784, the Governor laid before the Board some official dispatches sent through Governor Guerard, of South Carolina, by an express, for which the Governor of Georgia gave a draft to the treasury for ten guineas. Among the official papers was the ratification of the Definitive Treaty of Peace by, and a proclamation from, the Congress of the United States. The document received immediate consideration from the council which made plans for celebrating the event on the ensuing Wednesday. It was ordered that the "Printer" be furnished with a copy of the proclamation, and that he be directed to publish it in the two succeeding issues of his newspaper.124

The day was notable for Savannah. It was spent in gaiety and festivity and "with perfect decorum"! The proclamation was read and published through the town by the "Sheriff," and the men of Savannah feasted and drank toasts. What the women were doing the reporter failed to note, but from the town's unfailing custom on such occasions, they can be pictured with children of all ages and sizes and their Negro nurses, lining the streets as the parade marched by. The following day the Georgia Gazette gave a graphic account of the proceedings:

123. Ibid., III, 574.
124. Ibid., II, 601, 602.
the occasion, and after being reviewed by his Honor the Governor, Attended with the members of Council, and a number of Gentlemen, were marched to the East Green, where a barbecue being prepared for the militia, they spent the day with that mirth and felicity which so joyous an event naturally inspired. The Governor and Council, the Speaker and Members of Assembly, the Chief Justice, and Assistant Justices, the Honorable the Delegates to Congress; the Civil officers of the State, the Officers of the Military and Navy, Several Gentlemen of the Clergy, Law and Physick a number of Citizens, Captains of Vessels, and Strangers dined together at the Savannah Tavern, where the following toasts (with a number of others suitable to the occasion) were drunk: May the definitive Treaty of Peace be perpetual and productive of liberty and universal benevolence; The United States in Congress Assembled; The State of Georgia; Our magnanimous and illustrious friend Louis XVI; The States of Europe which have demonstrated their Friendship to our Sovereignty and Independence; General Washington; The American Ministers at Foreign Courts; Integrity and firmness to the Governors and Magistrates of the respective states; The immortal remembrance of the great and heroick [sic] characters who have sacrificed their lives for the liberties of their country; Relief to all our friends who have suffered by the calamities of war; May the efforts and suffering of the brave defenders of their country never be forgotten; The friends of virtue and freedom throughout the globe; Uninterrupted Commerce and a truly respectable Navy. Each toast was accompanied with a discharge of cannon. The evening concluded with illuminations and bonfires, and the whole of the rejoicings were remarkably distinguished with decorum and propriety of conduct.125

In the latter part of April, the Governor informed his board that he had received a letter from Count d'Estaing, dated December 20, 1783, claiming twenty thousand acres in Georgia which had been promised to him; also one from Sieur Antoine Reiré Charles de la Foresté, informing him of his appointment as Vice Consul of France in Georgia, and that he had arrived in Charles Town where he had received orders to remain and perform the duty of consul until someone was appointed to take his place. Accompanying the letter was one from Congress, vouch-

125. Georgia Gazette, March 4, 1784.
ing for the character of Sieur de la Foresté asking the Government of Georgia to recognize him and to publish his appointment in the Gazette. Congress further advised Georgia’s governor that the French agent was furnished with the powers from Count d’Estaing to take possession of his acres. The council decided that as the acres had been promised to the count a warrant should be issued to the land court in Augusta directing the surveyor general to “admeasure” and lay out the number of acres in one of the new counties, but reservation was made to wait until the assembly met in July before acting. In September, Governor Houstoun signed the grant, donating 20,000 acres in Franklin County to the French nobleman. The council disposed of the request of the Sieur de la Foresté by deciding that the executive authority could not furnish him with an “Exequatur or Notification of his quality” until his arrival in the state. The council requested the Governor to communicate the “substance of these resolves” to the French agent as early as possible.126

The ever perplexing, as well as vexing, question of the Indians cropped up again in Governor Houstoun’s second administration. “Talks” with the Indians, present-giving, and arguments on the land cessions continued over the years, but the problem came up for the first time in Governor Houstoun’s second regime when at a council meeting held on June 1, a copy of a letter from Alexander McGillivray was read “respecting the temper of the Indians, and their dislike to settlements [by whites] on the Oconee lands.”127 The subject was not new to Governor Houstoun. In January of the previous year, it had been discussed in the assembly, which appointed a special commissioner to hold a conference the following year with “the Kings and Beloved men” of the Creek and Cherokee nations.128 While not a member of the commission, Governor Houstoun was familiar with the object for calling the congress, namely to demand a cession of land from the two nations as an atonement for many injuries perpetrated on some of the inhabitants of

126. Revolutionary Records of Georgia, II, 640, 717.
127. Ibid., 655.
128. Ibid., III, 207.
Georgia, and to renew the treaty of peace and friendship with the Indians. In 1783 the congress was held, and in February, 1784, the House of Assembly was informed by Edward Telfair, one of the commissioners, that he had promised presents to the “Tallise and the Fat Kings” in consequence of their fidelity . . . during the late war and for their support in the acquired cession.” The assembly authorized the expenditure of fifty pounds to be applied for buying the presents.

Alexander McGillivray was the “aristocrat of the Creeks.” The blood of four nations flowed in his veins; his father was Lachlan McGillivray, who emigrated to America from Scotland and settled in the back country of Georgia in the early colonial period. He married a Creek princess whose father was a French officer of Spanish descent. Alexander was educated by his father’s relative, a Presbyterian minister of Charles Town, but later returned to his mother’s people where he was accorded the pomp and deference of royalty. His influence was so great among the Creeks and their allies that he was able to call 10,000 warriors to his side if he wished. He aided the British during the Revolution and for so doing Georgia confiscated his lands within what was claimed were the state’s borders. Following the congress of 1783, McGillivray entered into negotiations with the Spanish governor of Pensacola. The story back of the time when Alexander McGillivray entered into correspondence with Governor Houstoun can be told briefly. After the original treaty with the Indians was signed in the time of Oglethorpe, more and more land was required from the Lower Creeks, although the territory was claimed by the several governments in Georgia as being in the original grant of the colony which extended west to the Mississippi River. When Alexander McGillivray established himself in the Creek Nation in 1783, he began what may be called his career, and he was then in his late twenties. The time was propitious for the Indians of that nation, as they had been abandoned by the English at the close of the Revolutionary War, and their trade interests likewise were neglected. Furthermore, the Creeks resented the encroachment on their lands by people from Georgia, who had settled on what the Creeks claimed was their territory. McGillivray took upon himself the leadership of his mother’s tribe and began negotiations immediately with the Span-
ish governor of Florida to whom he wrote that the Creeks desired to be under the protection of Spain. The intrusion of the Georgia settlers incensed the Creeks. They protested that when the British were forced to desert them, they were not relinquishing a country that had never belonged to them because they were a free nation. They were allies, they said, and not dependents of England. The problem in 1784 was one of trade. McGillivray was carrying on a secret campaign with the Spanish authorities in Florida, and on May 31 and again on June 1, 1784, a congress was held at Pensacola where a treaty or "articles of agreement trade and peace," was drawn up and signed by McGillivray and three Spanish Officials. On July 14 a head man and several others of the Creek Nation attended Georgia's executive council and delivered a talk from their nation, which was answered by the Governor in council. One week later a letter from McGillivray was laid before the executive council, and it was directed that a copy be sent to Lieutenant Colonel Elijah Clark, who had been ordered to take the necessary steps for "protecting the inhabitants of the several districts within his battalion," but he was "to take the utmost care not to do any act which may hastily bring on a rupture with the Indians if the same can be avoided." At the same meeting of the council, July 23, 1784, the Governor was authorized to sign a draft for £52, 16s. 11d to pay for the presents purchased for the "Tallasee and the Fat Kings."

What occurred later can best be told by McGillivray himself, who wrote from his plantation, Little Tallassee on the Coosa River, September 18, 1784, to Charles McLatchey, William Panton's store keeper at St. Mark's, of Apalachee, Florida:

Yesterday I received letters from St. Augustine from Governor Zespedes and another from Mr. Panton, urging me to come to that place at once, which is absolutely impossible for me in my present circumstances. One of my reasons is that a negotiation is pending between Governor Houston of Savannah and me. When Mr. Panton was here I wrote him a strong talk, which he has received. It was argued in the council, and was not a reproduction of mine. Nevertheless, in his reply, he says to me

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that the matter of my talk is of such importance and magnitude that he will take the occasion very soon to submit it to the consideration of the legislature, which is certain to be convened this month. I have returned him an appropriate reply and have submitted to his future consideration that he recommend to them that they determine upon Indian affairs, if not upon the principles of equity and justice, at least upon those of same politics, attending to the demands of the Indians, for only thus could there be honor and security for both parties. Enough of politics! . . .

Governor Houstoun's official connection with McGillivray and the Creeks seems to have been terminated in the autumn. Again McGillivray supplies the information when he wrote from Little Tallassee to the Governor of Pensacola, Arturo O'Neill, November 20, 1784:

I have taken this oppertunity to Acquaint Your Excellency that I have been detained at home so long in expectation of receiving some dispatches from the American Governor of Georgia in answer to what I wrote him about our Lands on the Ocone river. The other day the same King arrived from Augusta & I have the Satisfaction to inform Your Excellency that the Americans have given a very Satisfactory answer. The Governor & assembly have forbid the Settling of those lands in the Strongest Manner so that the apprehensions I had that we Should be obliged to go to war with them to defend our lands is now at an end. But I must observe to Your Excellency that the americans are very uneasy that this Nation has entered into an alliance with the Spanish Nation, & that they have granted leave to English Merchants to Supply this Nation with a trade from the Floridas, because such Measures have made the Indians Independent, & not beholden to the americans for trade, so that they cant have the Sway of the Indians but have lost it, by this stroke of Policy in the King of Spains officers, who held the Congress with this nation in Pensacola. These are the true reasons that makes the americans pretend to be so moderate to us, tis out of their jealousy to Spain & I do not Thank Them for it . . .

132. A chief of the Creeks at Little Tallassee.
The Creek question, however, was not to be settled in Governor Houstoun’s administration.\textsuperscript{134}

An important matter came up in 1784 which affected Georgia’s territorial rights, and five years later John Houstoun was to react to it by taking a significant stand in the interest of the state he loved so well. At a council meeting held in Savannah on June 18, 1784, the members noted that “certain persons in the State of South Carolina, have attempted to run the lands lying in the forks of the Tugaloo and Kiowee branches of Savannah River, and certain other persons have attempted to form settlements on the Western Territory of this state as is represented to this Board by the Governors of Virginia, and North Carolina—all which acts are manifestly encroachments upon the property of this state.”\textsuperscript{135}

The board reached the decision that it was “necessary and expedient that the Governor publish a proclamation\textsuperscript{136} of the State as defined by the original Charter and late Treaty of Peace.” Houstoun was directed to answer the letters of the governors of the above mentioned states, and to send a commission under the Great Seal to Dr. Noble Wimberly Jones in Charles Town requesting him to enter a caveat in behalf of Georgia against any grants of lands in the aforesaid district, to be signed by the Governor of South Carolina.\textsuperscript{137}

Like Governor Houstoun, North Carolina’s Governor Caswell was serving a second term. On June 20 Houstoun wrote the North Carolina executive describing as “unwarrantable” the “Encroachments attempted or intended.” Continuing, the Georgian explained that he had issued a proclamation, a copy of which he was sending Governor Caswell.\textsuperscript{138} In his proclamation Houstoun made it clear that not only Georgia’s Charter to the Trus-
The Houstouns of Georgia

teas, but the Treaty of Peace of 1763 and the Definitive Treaty of Peace of 1781 substantiated his understanding of Georgia's boundary which he defined on the north as extending from the mouth of the Savannah River along the north side to the most northern stream or fork which he stated included the land lying between the Tugaloo (being the southern) and the Keowee (being the northern) streams or branches of the Savannah River, "which plainly and manifestly belong to Georgia." 139

A month later the board heard from Dr. Jones concerning the caveat. Governor Houstoun replied that he was authorized to do nothing further than to enter it "and then let the matter rest for a decision agreeable to the articles of consideration." 140 The minutes of the executive council record nothing further on the subject during the rest of the year 1784, but the irritating dispute of the boundary line between northeast Georgia and western South Carolina was to remain an unsettled question for many years.

Just before he went out of office, Governor Houstoun received a letter from John Hill who lived in Houstonborough, a town that was evidently named for him. 141 Dated December 2, 1784, the Hill letter opened on an apologetic note and quickly turned to praising "our town Houstonborough, on the Long Bluff, on the Oconey River." "I am sartin [sic]," boasted the writer, "[Houstonborough] will be one of the best Places of trade of any upland town in Georgia." What Hill wanted was "about twenty publick muskets" to prevent "any sudden attack by a credulous Indian who has forfeited there [sic] word so often." Excusing himself for his "tedouse way" of expression, Hill concluded his communication to the Governor. 142 What Houstoun did about Hill's request is unknown.

In the closing months of 1784, the date arrived for the election of representatives to serve in the General Assembly for the coming year, and again John Houstoun was one of the fourteen

139. The Gazette of the State of Georgia, June 24, 1784.
140. Revolutionary Records of Georgia, II, 675, 676.
141. Houstonborough apparently can be classed among the dead towns of Georgia, as no reference to it can be found.
142. Miscellaneous Papers, 1784-1799, Box No. 3, Georgia Historical Society Library, Savannah. No references to the letter could be found in the Revolutionary Records of Georgia.
INTERIOR VIEWS OF THE RESIDENCE OF JOHN HOUSTOUN ON REYNOLDS SQUARE, SAVANNAH, GEORGIA

The house was demolished in 1920
John Houstoun, "Rebell Governor"

men to be elected from the county of Chatham. But that act was to bring more trouble on the head of Governor Houstoun, who several times had the misfortune of becoming the victim of circumstance or intrigue. He had the happy faculty, however, of extricating himself with honor. As the constitutional date for the election was set for the first Tuesday in January, Governor Houstoun and his council, like their predecessors, remained in office over the beginning of the new year. In the last weeks of December, and for a few days in January, the Governor's pen was kept busy signing furiously grants of land in the new counties and drawing drafts upon the treasury for individuals for various purposes, among them being one in favor of James Jackson, attorney-at-law, one to David Rees for his year's salary of twenty-five pounds as secretary of the council, and one to James Powell for twenty-eight pounds eighteen shillings eight pence for "being two months attendance in council."  

The council met on January 3, 4, 5, and 6. On the last date the minutes record: "This day the Honorable House of Assembly having proceeded to the choice of a Governor for the current year, the present Governor and council considered their Term as expired, and therefore did not meet again."  

Thus John Houstoun's gubernatorial career came to an end, but on retiring he did not escape the toil or pleasurable duty of serving public interests. Innumerable bills brought before the House of Assembly during his administration were resolved into progressive measures for the betterment of the state, and passed on into acts of law, signed by Governor Houstoun.  

Retiring from office, John Houstoun, on June 6, 1785, repaired to the House of Assembly to take his seat as a representative from Chatham County, but his right thereto was declared illegal because at the time of his election he held the office of governor. Technicalities of the house were overcome out of court, and a few days later Houstoun presented himself with others to the assembled body of delegates and "qualified." There-

143. Marbury and Crawford, Digest, 227. The Governor's fees 1784 for signing grants of land were: for 500 acres or more, 5 shillings 8 pence; over 500 to 1,000 or more, 4 pence; ordering the Great Seal to any paper of a private nature, 4 shillings 8 pence, the sums to be paid into the treasury for public use.  
144. Revolutionary Records of Georgia, II, 786.
after, his committee work continued throughout the year as in the previous sessions of the legislature when he was a delegate.

Two years after their return to White Bluff, John and Hannah Houstoun began preparations for their residence in Savannah, which, when completed, probably in 1784, was the most pretentious in the city. As early as 1773 Houstoun selected the site for his future town residence, although there is no evidence that at that time he contemplated building there. On January 8 of that year he bought from the estate of David Murray five lots containing one hundred and fifty feet front, and ninety feet deep, on what was then Duke Street, between Abercorn and Lincoln streets; but three days later he sold the western half to James Chapman. Perhaps John Houstoun had an eye to increasing his earnings, and made a profit by the transaction. While he was a fugitive in South Carolina, his half of the Duke Street property was advertised for sale, along with other lots, in the Royal Georgia Gazette of February 1, 1781. Evidently there was no purchaser and Houstoun claimed the lots after Savannah was evacuated by the British, as, on April 3, 1784, Chapman reconveyed his half to John Houstoun. It seems proper to assume that shortly after that date he began the building of his spacious two-story dwelling. "The simplicity of its exterior probably expressed his republican principles; the elaborate and beautiful interior bespoke the aristocrat." The foundation of the house was of brick, traditionally reputed to have been imported from Holland, and the exterior walls were of wood. The Georgian doorway was supported by delicate columns, and the short flight of steps leading up from both sides to a stoop held a wrought-iron railing. The wide entrance hall with groined ceiling led through a beautiful mahogany archway to a graceful, winding stairway surmounted by a Palladian window. The stairway, the paneled wainscoting of the hall way, and the woodwork in the rooms on the first floor were of Santo Domingan mahogany. The

145. From Walter C. Hartridge in a forthcoming book on Savannah homes and architecture.
house was built under the "immediate inspection" of the owner. The stories were high. On the first floor were three large rooms and two small rooms, one of which was John Houstoun's library; and on the second floor were three large bedrooms and one small one. "The library was a room of great charm and dignity... Lovely mantels in all the first floor rooms were imported from Italy, and the plaster work was as delicate and elaborate as any nineteenth century examples in America." Underneath the house were good cellars, and the outhouses were of stone and brick. They consisted of a wash house, servants' rooms, carriage house and stable, and there was also a well. A three-sided brick wall east of the house concealed a formal garden, and on a bricked back yard was the long line of service buildings.

During their twenty years' occupancy, John Houstoun and his wife furnished their home with period furniture of mahogany. There were a "sweep" sideboard, table and chairs of the same wood in the dining room; card and tea tables, sofa, chairs, a "Pride of India" table, "window" chairs upholstered in blue, mirrors framed in mahogany and gilt, probably in the drawing rooms; fenders, fire dogs, shovels and tongs, apparently for every room; mahogany chests of drawers; bedsteads with "feathered mattresses pavilions and quilts"; and for the owner's personal use, a mahogany arm chair and a "mahogany table and dressing glass"; there was "one crib a pair of blankets & quilt." Was there once a baby of their own? Of the smaller furnishings the Houstouns possessed the usual silver and glass found in other homes of wealth, among the pieces being silver castors "with glasses compleat," silver decanter stands, with glass decanters; long jelly glasses, chafing-dishes, and other appurtenances. During the years of his law practice, John Houstoun increased his law library to one hundred and thirty volumes, and there were dozens of books in his house library. The Houstouns had several equipages, among them a chair, a chair-box, a four-wheeled carriage, and a sulky. They had a bay chair horse, a "cream" cart horse, and at least four others, and they kept a cow.

147. Hartridge, manuscript on Savannah homes and architecture. See also Georgia Gazette, August 6, 1801.
148. Marye, "An Eighteenth Century Mansion."
149. Ordinary's Office, Chatham County Court House. From an inventory and appraisement of John Houstoun's estate made August 20, 1796. Box H, 1-47, No. 22. Conforming to the "march of commerce," the
The year 1786 was one of intense political excitement in Georgia, and since it affected John Houstoun the man, it is necessary to recount the story in detail. In February the House of Assembly sat in Augusta, with Governor Telfair and his executive council meeting concurrently in the same town. The incident that started the imbroglio might be characterized as the beginning of the bitter and long-lasting feud between the "up counties" and the "low counties" for the balance of power in state government. It is rather surprising to find that the part played by John Houstoun in the fray has been slurred over and decidedly misrepresented, until one writer unearthed the whole story from original sources and presented the true and enlightening facts. The long-drawn-out controversy began calmly enough on February 9 when the House of Assembly elected its state officers. One week later it chose other officials, among them John Houstoun as chief justice. The legislature was meeting in Augusta to conform to a rule that its sessions be held there alternately to appease the representatives from the up counties. Since it had been decided the previous month that there should be a fixed seat of government, a place to be named, Louisville was selected by ordinance which further provided that the governor, the secretary, the treasurer, and surveyor-general, and the auditor

Houstoun-Johnston-Screven house was razed to make way for a moving picture theater. When the property was bought by the late Arthur Lucas, in 1920, he offered the house to the late Miss Eugenia Marion Johnston, who endeavored to interest the patriotic societies of Savannah to have it moved to a suitable site, to be used for their headquarters. Meetings were held to discuss the plan, estimates were obtained, and public interest aroused; but without avail, as the conclusion was reached that the cost (about $15,000) was prohibitive. (Correspondence and records on same in possession of the author.) The house was torn down, and when the theater was completed a bronze tablet was erected on the west wall, but it is unfortunate that the inscription thereon contains so many errors:

UPON THIS SITE
Where Arthur Lucas Built This Theatre
Which opened December 26, 1921
There stood the home of Sir [sic] John Houston [sic]
The First [sic] Governor of Georgia

150. The Editor, "A Neglected Period of Georgia History," in The Georgia Historical Quarterly, II, No. 4 (December, 1918), 198-224, from which the entire story was taken.
should reside in Augusta until provision was made for the officials to live at the new capital. At the same time, the legislature took under consideration ways and means of transporting the public records to Augusta, until the anticipated buildings were built to house them. James Pearre, Jr., was approved by the executive council as a “fit person” to undertake the task. It was directed that the documents be packed in trunks and carried from Savannah in “good covered wagons, with four horses each, two drivers, and three able-bodied men well armed and accoutred,” who, with James Pearre, were to act as a guard to remain with the convoy until it reached Augusta.

On March 4, John Houstoun received for the first time the official notice of his appointment as chief justice, his commission being presented to him by Joseph Clay and William O’Bryan, assistant justices, who informed Houstoun that they had been delegated by the Governor to qualify him. John Houstoun replied that he was fixed in his determination to decline the appointment, and asked them to transmit his answer to Governor Telfair. That night Houstoun wrote to the Governor declining the appointment. John Houstoun’s consternation may be imagined when he read in the *Georgia Gazette* of March 17, that “John Houstoun, Esquire, appointed to the office of Chief Justice be, and he is hereby suspended from exercising the duties of the aforesaid office.” Suspended at the same time were William O’Bryan, Joseph Clay, and William Gibbons, assistant justices for Chatham County, and several justices of the peace. In a preamble to the suspension order, council expressed itself as follows: “When the events of human affairs are progressing to anarchy, and the leading principles of the Constitution are infringed, the laws and ordinances violated, and when conductors of the opposition to the known order of government are chiefly persons whose peculiar situation render the guardianship of the laws the object of their care, the crime is peculiarly aggravated.

“The Board, from the urgent necessity occasioned by such unwarrantable proceedings, and in order therefore that the fountain of justice may run pure, and the laws and ordinances

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151. Ibid., 199. Quoted from Watkins’ Digest, 320, 321.
152. Ibid., 210. Quoted from the *Georgia Gazette*, April 13, 1786.
may be fully executed in the County of Chatham, have and do solemnly . . . resolve . . . .”

In replying to the published act of the Governor and council, former Governor Houstoun wrote an open letter to the editor of the paper in which he expressed his sentiments in scathing language. The letter is an unduly long one, but it is quoted almost in its entirety because it is indicative of John Houstoun’s mental growth in the eleven years since his maiden speech in the Continental Congress, because it brings forth his judicial knowledge, and because it shows his ability to write in the style of the day:

There is in the affairs of life, a point at which absurdity itself disarms resentment, and assuming a coarser appellation, excites no emotion but that of pity or contemt. Had Solomon lived in our day and witnessed some late proceedings in our State, he would, in all probability, have retracted his opinion and confessed he saw in the political world, at least one new thing—a dismission from, preceding the acceptance, nay following the absolute refusal of, an office. Other countries for the advancement of justice in certain cases admit of fictions in law, but I believe it is essential to our land, and has been reserved for the ingenuity of a modern administration to invent fictions in government for the ends of private vengeance. Permit me to enquire what grounds of dismission from the place of Chief Justice could be applied to me? So preposterous an act must, in point of view, recoil, with disgrace, upon its author, and will forever remain a satire on record against both his head and his heart. Had I really been in possession, I make no scruple to say the edict of suspension would have made no more impression on me than a bull wrap in all its terrors, and accompanied with all its thunders from the Pope. However malignant in its nature, I should have felt it extremely harmless in its effects. Dignities and honors, the children of sovereignty, flow from the people; and as, under our form of government, we ascribe neither majesty nor infallibility, and but a very moderate title of pre-eminence, to a Governor, it would be highly ridiculsous and inconsistent to sacrifice at his shrine the independence of a Judge, so essentially necessary, in the opinion of all writers, to national freedom and private happiness. Originally the only body in a free state entitled to question a judge for his conduct or opinion is the people. By the 49th article of our Constitution that power is delegated to the House of Assembly, but how or where the Governor
obtained by prerogative as it were a concurrent jurisdiction with them is hard to discover. If his claim is founded it evidently proves by direct inference the servant to be greater than the master, or in other words, the Governor superior to the House of Assembly; for the latter, however, impliedly powerful in other respects, hold their controlling authority in this in consequence of a special grant from the people; whereas the former, the being of the year, and politically speaking but secondary to the people’s choice his election being by the legislature, finds a title to it comprehended, though till now concealed, in his very appointment itself. Armed with such a weapon, and to which may easily be added, as in the days of the Star-Chamber of England, restraints upon the press, with an abolition of trial by jury . . . what might not an ambitious man, with very limited talents, accomplish? But there is no occasion to reason on the general principles of government, or argue by analogy, when we have a guide so directly in point. If the very first section of the Constitution of this State does not make the Judges as independent of the Governor as the Governor is of them, I know not what form of words could be employed to express such an intention. It is a misfortune incident to shallow politics to be deceived by habit. Without recurring to reason and principle we are apt to be misled by use, and conclude, because of a King’s Government formerly claimed the right of suspending a King’s Judge, therefore a State’s Governor has the same power over a State’s Judge. But surely no man of common intellect and who barely knows the difference between a monarchy and a democracy, will maintain such a position, or insist on the comparison or inference being just. Besides, we are to recollect that this political stride of Britain was, ever after the Revolution of 1689, altogether confined to her American governments, and is really one of the very acts of tyranny and distinction assigned by Congress, in their Declaration of Independence, as causes of our separation; for in England, although the twelve Judges hold their appointments from, and are, in legal contemplation, servants of the Crown; yet the King has it not in his power to suspend, much less to dismiss, one of them from his office, or even to withhold or reduce his salary, unless in consequence of a former address from both Houses of Parliament. So materially do the notions of our Cabinet on the scale of liberty and politics differ from those of the world.

But, as I waved all pretensions to the office of Chief Justice, it was not my intention, when I began, to enter into a discussion
in this place of the tenure by which it is held. All I mean, or am in any way solicitous about, is to prevent, as far as I am concerned, any imposition on the public. To this end I shall lay before them a plain state of the case, and leave each one to his own remarks, as in truth the proceedings themselves will, to the most ordinary capacity, furnish a very sufficient comment.

The writer then recounted the interview with Clay and O'Bryan, and quoted verbatim his letter of declination to Governor Telfair. After his letter had reached the Governor, he received an order from the Council, bearing the date of March 13, empowering the Secretary of State to prepare a writ, or as the minutes record it a _dedimus potestatem_, empowering the three justices (Clay, O'Bryan, and Gibbons) to qualify him as Chief Justice of the State. Houstoun then continued to the editor:

... I took no further notice of the affair, until I was, on the third instant, again surprised by a receipt of another account that the Governor had suspended me from, and appointed a successor to the Office of Chief Justice. Whether it is not a perversion of language, under the circumstances before stated, to call the proceedings a suspension, is a point deserving a more serious enquiry than that by a newspaper. For my part I choose to call it by its right name—if it has any name—a dictatorial dismission unencumbered by the previous forms of charge, hearing, or trial... but of one thing I can assure him, if he took into his calculation to give me any uneasiness, he has missed of his aim, for I can incur no reproach on this score, from any good citizen, I shall secure in conscious rectitude, most heartily despite the opinion or attempts, however, signified, of every bad one, whether in or out of office.

Following Houstoun's letter was an affidavit signed by Joseph Clay and William O'Bryan, certifying that all of the proceedings described were correct, and that Houstoun's missive had been forwarded to the Governor by Colonel Samuel Jack. Also, that at the last Superior Court held in Savannah after the receipt and return of the commission, they had sat as judges, but that

153. "Prior to the election of a judge of the Superior Court the justices of the peace [designated assistant and associate judges] were authorized to sit with the chief justice, and in his absence to hold Superior Court." (Lamar, _The Bench and Bar of Georgia_, 26.)
John Houstoun did not appear as chief justice, or “in other character than as a private practitioner.”

What actuated the order for the suspension of the judges was the refusal of prominent citizens of Chatham County to hand over the records and other public papers to James Pearre when he appeared in Savannah in March. John Houstoun, certain in his own mind that he was not an official of the state, joined with nine other Savannahians to protect the county’s claim to its own property. They “did repair, without tumult or disorder, to the house where the papers of the secretary’s office were kept, and having sorted out the records of grants for all the lots in five and forty-five acre lots adjoining the town of Savannah, and other books containing documents altogether of a private nature, and belonging... to the inhabitants of the lower counties, delivered the same into the custody of James Bulloch, clerk of the court.” The men who acted thus were accused of withholding what they said “in strictness of language be called ‘public’ in any other view than as being in a public office.” So careful were they to avoid taking any books or papers that could be decreed state records that they requested the clerk in the secretary’s office to examine all of the books in Bulloch’s possession to point out any that were, “properly” speaking, public. “After completing their work, the secretary, Pearre proceeded with all the other papers of his office; amounting to no inconsiderable number,” and arrived safely in Augusta. “No sooner was the affair reported there than that Body [the Governor and council] (with all the solemnity and dread of the Senate of Rome on discovering the conspiracy of Catiline) met in their Chamber and commenced a shower of political vengeance,” meaning, of course, the suspension of the several justices.

The culprits, if so they may be called, published in the Georgia Gazette, April 27, 1785, a lengthy letter to the editor which related a history of the whole proceedings. It was signed by John Houstoun, Joseph Clay, William O’Bryan, William Gibbons, William Stephens, Richard Wylly, Peter Deveaux, Samuel Stirk, James Jackson, and George Walton. In explaining their position, the signatories were careful to assert that they were voicing the sentiment of the inhabitants of the county. They explained that Pearre’s arrival in Savannah with the wagons “resolved itself
into two opinions—the one, that as the officers and offices were directed by law to be removed to Augusta, therefore all the records and papers belonging to them respectfully must be comprehended as so many appendages, and that even if the law had not been full on this head, yet the vote of the house of Assembly, and order from the executive authority places the matter in a light indisputably clear.” The other opinion was that “the Constitution upon this occasion was to be the polar star for our guide . . . .”

The constitutional right under which protection was claimed was the fiftieth article of the constitution: “Every county should keep the public records belonging to the same, and authenticated copies of the several records now in the possession of this State shall be made out and deposited in that county to which they belong.”

Continuing their communication, the signers explained that “as the general voice required something to be done, it seemed more eligible to do that which appeared legal and constitutional by a few who would take care, both from public and private motives, that none of the papers should be lost or injured, than run the risk of having it done in a manner less moderate, and with more danger of damages to the papers by a concourse of people agitated with the idea that an attack was meditated against one of their chartered rights.” Further, the signatories insisted they were motivated by a desire for “peace, order and good government.” “And we disclaim,” they concluded, “all distinction of interest between upper and lower counties, and hold those as enemies to both who shall by such pretended difference endeavor to sow the seeds of jealousy between us.”

Amazing to the writers was “why the blow was aimed at the Judiciary department.” “Several of us,” they wrote, “have the honor to be Members of the Legislature; why not then as well suspend from our seats there as on the bench. The one department is not more distinct from and independent of the Executive than the other, and the history of the reign of Charles 1st, of England, and some of his predecessors, would have furnished precedence of the proceedings more perhaps in favor of vacating seats than suspending Judges.”

In March the vacancies in the judiciary were filled, William Stith, Sr., receiving the appointment of chief justice, and Nathanael Greene and Joseph Habersham, assistant justices. General Greene, it was said, upon hearing the facts declined to serve, and Habersham resigned on April 16.

The result of the political calamity was that by November 20, the secretary of the council informed the Governor that he had received the records under fire. Governor Telfair was severely arraigned in the Georgia Gazette, first by “Georgiensis” who declared he was happy to perceive that most persons agreed in declaring “the Executive have not the power to suspend Judges”; and next by “Legion,” who wrote to the Governor: “You have suspended a solemn law of the state by refusing credentials to a gentleman who is, by that law, appointed an agent in the controversy now subsisting between this state and the state of South Carolina, in whose acknowledged abilities and long experience as a lawyer and a statesman the citizens of this state most immediately interested, principally depended . . . .”

Telfair has been credited with having transferred the public records “so promptly and decisively that both the dignity and the majesty of the law were maintained.”

In the midst of the heated combat between Governor Telfair and the citizens of Chatham County, John Houstoun continued his membership in the state legislature. An advertisement appeared in The Gazette of the State of Georgia, April 27, 1786, calling for an election to be held the following month for a representative from Chatham County in place of John Houstoun, already chosen a delegate to the Continental Congress. Houstoun, however, did not assume that obligation, for reasons unexplained.

He was called to service in another direction. On Easter Monday the annual election was held for the wardens and vestry of

155. The Georgia Historical Quarterly, II, 223. There seems to be no authentic account extant relating how the records were finally released, but the above story explains the reason why the early original wills, deeds, and other records of Chatham County are filed in the Department of Archives and History in Atlanta. The records that date from 1773 are in a good state of preservation in Chatham County Court House.


The Houstouns of Georgia

Christ Church, and William Stephens and John Habersham were named wardens, and "Sir George Houstoun, Bart., John Houstoun, Joseph Clay, Sen., William O'Bryan, James Mossman, James Habersham, Joseph Habersham, Samuel Stirk, Richard Wylly and Leonard Cecil, Esqrs.", were elected vestrymen.158 The structure in which the Houstouns worshiped, it will be recalled, was begun in 1745 under the supervision of Sir Patrick Houstoun, the fifth baronet, and was completed in 1750.

When in June, 1784, the executive council of Governor Houstoun's second administration was apprised of the granting of land to South Carolinians in the area between the Tugalo and Keowee rivers, and a caveat was served on Governor Guerard of South Carolina, it was not the first time that Georgia had proclaimed jurisdiction over that section. It seems to have been an annual occurrence. The old matter of boundary lines has always caused friction until agreement is reached to the mutual satisfaction of those vitally interested. In 1787 the final solution of Georgia and South Carolina's boundary dispute was far in the future by over three score years, but before that time that part of the border was a jarring note in the legislative halls of the two neighbor states.

In February, 1783, the House of Assembly appointed General Lachlan McIntosh, John Houstoun, and Edward Telfair as Georgia's agents to settle and adjust the northern boundary. The executive council was notified, and Governor Hall was requested to communicate the resolution to the Governor of South Carolina that his legislature might cooperate "in the measure." Two days later, February 15, Hall signed the commission under the Great Seal, and the three agents were given full power to conclude "the said business" with the representatives of South Carolina "in such way and manner as shall be conformable to the rights of the inhabitants of this State as declared and secured to them as well by charter . . ."159 By 1785 the wrath of South Carolina had been aroused over the disputed territory, and she applied to the old Confederation Congress for a court of arbitration. But

158. The Gazette of the State of Georgia, April 20, 1786.
159. Revolutionary Records of Georgia, II, 454, 456, 457.
before a court could convene, the states came to an agreement which it was thought settled the trouble. A treaty was signed with the Indians on November 28, 1785, when they made relinquishment of land upon the Keowee River.

Georgians and South Carolinians no doubt wearied of the boundary question which arose constantly in the two governmental bodies. Before the summer session of the Georgia legislature of 1786 adjourned commissioners were appointed again to settle the dispute. John Houstoun was named first, and with him were appointed General Lachlan McIntosh and Joseph Clay. Relief was in sight but not before eight months had elapsed. Houstoun was to prove himself a valiant defender of Georgia's rights, by arguing strenuously to keep faith with the authorities who trusted him.

South Carolina was still so incensed in 1786 that she acted on the right given to the states under the Articles of Confederation and Perpetual Union Between the States, and carried her claim to the Continental Congress for decision. She was dissatisfied, however, with the handling of her demand by that body. It became necessary to bring the quarrel to an issue by holding a conference of representatives from the two commonwealths. The altercation reached its peak in April, 1787, when commissioners were appointed to meet and end the long struggle. General McIntosh and John Houstoun were selected again, and Major John Habersham was substituted for Joseph Clay. South Carolina's appointees were Charles Cotesworthy Pinckney, General Andrew Pickens and Pierce Butler. The delegations were composed of men who already had distinguished themselves, not only in the recent conflict with England, but also in the affairs of their states. Colonel Pinckney, a barrister by profession, was formerly attorney general of the Province of South Carolina. An aide-de-camp to General Washington, he was one of the officers who took part in the 1778 expedition against Florida, at which time he came in contact with John Houstoun. He had criticized severely the latter's conduct there. General Pickens, of Huguenot descent, was a brave fighter in the Revolution, and in 1781 was in command of the Georgia troops in the Southern Department under General Nathanael Greene. In an expedition against the Cherokee Indians, General Pickens obtained a large territory
from them, and settled in Hopewell, Georgia, on the Keowee River, in the heart of the disputed territory. Pierce Butler, a native of Ireland, was an officer in the British army. He was stationed in Boston, but resigned in 1766, to settle in Charles Town. If at first a Tory sympathizer, he turned eventually to the Patriotic side, as he served his adopted state in the Continental Congress. The commissioners of Georgia were as important and eminent as their contemporaries on the other side of the Savannah River. General McIntosh, born in the Highlands of Scotland, was a notable figure in the Revolutionary War. After his tragic duel with Button Gwinnett, he was repudiated by a group of Gwinnett sympathizers, but subsequently went north and was assigned in the Continental Army under General Washington. A member of the Continental Congress in 1784, he was made a commissioner to trade with the southern Indians. Major John Habersham served during the Revolution in the First Georgia Continental Regiment. Later he was a member of the Continental Congress, and he too was appointed by General Washington an Indian agent, and was greatly trusted by the tribesmen of the South. John Houstoun's career up to 1787 is a matter of record in the previous pages of this history. Five of the commissioners, therefore, were men who had fought brilliantly in the late war. They were all men in middle life with the exception of General McIntosh, who in 1787 was sixty-two years of age.

The conference met in the colonial town of Beaufort, South Carolina, and was called the Beaufort Convention. Several days ahead of time the Georgia delegation left Savannah in John Houstoun's boat manned by five Negroes. On April 24, the two groups met and debated the momentous question for four days. From a study of the majority and minority reports one can almost conceive the trend of the parley. The six men knew that the purpose of the gathering was to determine the disputed line between their states, and they had accepted the delicate mission with the promise from both legislatures that their decision would be ratified in each assembly.

From the preamble to the majority report, it seems probable that the subject was opened by a South Carolinian. He reviewed for his hearers the charter of the older colony which was a grant from King Charles II in 1663 to eight Lords Proprietors. In it
PORTION OF HENRY POPPELL'S MAP OF NORTH AMERICA, 1733, SHOWING ISUNDIGA (KIOWEE), THE SOURCE OF THE SAVANNAH RIVER.

Courtesy of the Library of Congress.
John Houstoun, “Rebell Governor” 267

was defined by latitude and longitude the vast region of their holdings. When the Lords Proprietors were repudiated by the Carolina settlers who sought Crown government (the speaker must have pointed out) all but one of the grantees sold their colonial possessions to George II. Lord Carteret declined to surrender his acreage in the grant later made to the Trustees for Establishing the Colony of Georgia. When the leader from Georgia was given opportunity to put his side of the question, he would naturally have referred to the charter of his colony, formerly a part of the territory of the Carolina proprietors. In Georgia’s charter (the speaker must have recalled to the assembled group) the northern portion of Georgia was distinctly described as the “most northerly part of the stream up to its headwaters,” and that last word became the crux of the whole matter. Tempers may have been held in check, but a heated argument was obliged to be forthcoming when the root of the trouble was to determine the source of the Savannah River. So the first point of attack was the Keowee River. The South Carolina deputation claimed that river was a separate stream, while Georgia’s representative (or, according to the facts, at least one of them was adamant on the subject) protested that the Keowee was a branch of the Savannah River. The South Carolina claimants insisted that the source of the Savannah was at the confluence of the Tugalo and Chattooga rivers, which was about forty miles farther up the river and contended that the Savannah changed its name where the Keowee flowed into it. The argument must have continued for hours.

John Houstoun, convinced that he was doing his duty in protecting Georgia’s rights by taking care that the land in question was not wrested from her, held out until the last minute. His fellow-commissioners yielded to the suavity of the astute South Carolinians. How far were McIntosh and Habersham motivated by an outside influence in reaching their conclusion to submit to the persuasions of the South Carolina deputies? And how long, if at all, did they stand with John Houstoun? All of the members were in close association with the Indians. Did they know whether the Keowee River was named after or before the town Keowee? Did the Indians consider it a separate stream, or did the Cherokees hold that it was a branch of the Savannah? Was the situation a
stalemate, or did McIntosh and Habersham possess information on the Savannah-Keowee debate that clinched the argument, or did they have a personal ulterior motive by finally casting their votes with the Carolinians? What did John Houstoun know of the headwaters of the Savannah that made him hold out against the other five commissioners? Was his alleged Scottish stubbornness coming to the front? Courage is required to stand alone for one’s convictions. It is certain that he had not forgotten the explicit, or, to be more exact, the positive orders that he, McIntosh, and Telfair received when they were commissioned in 1783. Unquestionably John Houstoun was familiar with Henry Poppell’s Map of North America of 1733, which was known to Georgians in the colonial period. He knew that on that map was shown the branch, Isundigo, or Savannah River (later named the Keowee), from its source to its mouth, and therefore he held to his argument on Georgia’s charter-designation defining her colony grant through geographical knowledge which was contemporaneous with Georgia’s founding. It should be borne in mind, too, when considering South Carolina’s contention, that General Pickens, whose plantation was at Hopewell, Georgia, on the Keowee, was a South Carolinian! John Houstoun may also have recalled that fourteen years previously the noted botanist William Bartram, of Philadelphia, visited Savannah, where he met many residents of the town. Bartram traveled through the Keowee River valley and he wrote in his journal May 15, 1773: “In the course of this day’s journey I crossed several rivers and brooks, all branches of the Savannah, now called Keowe, above its confluence with Tugilo, the West main branch.”

The Carolinians won their point on the decision of the headwaters of the river. Whether or not in the final analysis its source was determined upon arbitrarily, or by one member’s correct knowledge from Indian neighbors, both McIntosh and Habersham signed their names to the document below the signatures of the three South Carolina commissioners. Once the boundary matter was settled there came up for discussion the subject of navigation, and the agreement reached there was to make the

Savannah River free from "all duties tolls, hindrance, interruption and molestation whatsoever, attempted to be enforced by one state on the citizens of another, and all the rest of the river Savannah to the southward of the foregoing description is acknowledged to be the exclusive right of the State of Georgia." The last clause referred to the islands in the Savannah River to the upper end of Hutchinson's Island. South Carolina's one concession was to waive her right to the islands south of the Altamaha River. John Houstoun's comments on that compromise shown in his report are illuminating, and even the other Georgia delegates declined entering into any negotiations relative to the lands mentioned in that article of the treaty, because, they stated, they were not authorized to do so by the powers that were delegated to them. The net result of the convention was that the State of Georgia found herself gouged of approximately 1,575 square miles, or about 1,008,000 acres. Houstoun's clear and temperate protest followed the signed Beaufort Treaty. His attempt to frustrate the efforts of a sister state to deprive Georgia of some of her rightful acreage has been preserved to history. His minority report of one against the three South Carolina commissioners and the two Georgians was dated April 28, 1787. His dissent had two divisions:

"1st. I conceive, from the words of the charter of Georgia, all the lands which lie south and southwest of the most northern part of the stream of the river Savannah, up to its head or source; from thence within a direct line running due west to the river Mississippi, and extending southwardly as far as the boundaries of East and West Florida, are the right of Georgia. This stream here described I take to be that branch of the river Savannah by the name of Keowee; if so, all the lands which lie in the fork of the two branches of Savannah River called Tugalo and Keowee, ought to fall into Georgia, whereas by this convention they are yielded to South-Carolina. As to the relinquishment on the part of South-Carolina of all her claims in the southern district of Georgia, I do not conceive this by any means an equivalent; for although the two territories in question may be

161. Marbury and Crawford, Digest, 662-666.
162. The word is used advisedly, and will be understood by a glance at any modern map of Georgia showing the extreme northeastern portion.
equally fertile, or perhaps the difference in point of extent and value even in favor of the Southern, yet I apprehend the title of Georgia to the lands now ceded to South-Carolina was good and valid, whereas the pretensions of South-Carolina to the southern country appear to me to be so slender, that the right of Georgia to those lands is neither strengthened or weakened by the present convention; and therefore as, in my opinion, the nature of the claims ought to be considered in the negotiation [sic] as well as the value and extent of the soils, I cannot admit the exchange to be equal.

"2dly. As to the free navigation of the river Savannah, now given up to South-Carolina, I conceive this point is, in the first place, not an object of our commission; but if it was, however disposed I might be always to wish an indulgence to a sister state on this head (which I believe has hitherto been the case) yet I am not inclined to give that indulgence the color of a right. Where settling commercial regulations with South-Carolina, to permit the free navigation of the river might be just and proper, the title then would depend on and be derived from such agreement; but to yield this point as a claim, in the present instance implies that the right has been aborigine in South-Carolina. Such a position would be inconsistent with my idea of our boundary; for if we hold the sovereignty 'from the most northern part of the stream,' it seems to me the exclusive right of navigation follows of course: This is neither a forced or new construction of our charter, but has uniformly been the opinion for a series of years past of most people in Georgia; and all the documents produced tend only to show the point has been contested but never decided on. On the whole, although I should be amongst the foremost to concede to this neighborly privilege in return for some other perhaps less valuable to the citizens of South-Carolina, yet I should wish to see it held by them, under some restrictions, from Georgia, and not a right proved and estabished at the present meeting."163

163. Marbury and Crawford, Digest, 666, 667. The following information furnished by the Library of Congress, November 30, 1937, would seem to substantiate the claim of John Houstoun that the Keowee River was the source of the Savannah: "Henry Poppell's map of North America, 1733, names the Savannah and its tributaries. . . . From it one might infer that during the Colonial period the source of the Savannah River
When Houstoun set down his conclusions on paper, he felt himself absolved of all responsibility. He could at least leave Beaufort with a clear conscience. Immediately on his arrival in Savannah, John Houstoun sent in his bill for his service to the state of Georgia. He itemized his expenses as, twelve days attendance at the convention, £11.4; cash paid to hire of five hands £10.10; provisions and house for the hands £2.10, total £23.19. The bill showed Houstoun had received £20, and that a balance of £3.19 was owing him. On the bill was a notation, "The Boat being my own I do not charge for her." 164

In August the South Carolina delegates had the report ratified in Congress. Houstoun's name was included in the list of the six commissioners, but no mention was made of his dissent. What became of the minority report? The Georgia Assembly met in Augusta in February, 1788, and, true to its promise, ratified by act the arduous work of the conferees in Beaufort, "as binding upon the citizens of this state, any law to the contrary notwithstanding." It was signed by Nathan Brownson, speaker of the house. And thus the difference of the two states supposedly was settled. 165

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164. Department of Archives and History, Atlanta.
165. Edward M. Douglas, Boundaries, Areas, Geographic Centers and Altitudes of the United States and Several States. . . . (Washington, 1930), 817: "In 1917 the Legislature of Georgia authorized the bringing of a suit in the Supreme Court of the United States in order to settle a long-standing dispute between that State and the State of South Carolina regarding their common boundary." *Ibid.*, 153. The act (257 U. S. and 259 U. S. 572) decided where the state line was located midway in the river, giving the islands in the Chattooga to Georgia. *Ibid.*, 2. Disputes between states regarding boundaries must be settled by the United States Supreme Court, whose decisions are final." Further proof of John Houstoun's claim is found in John Gerar William deBrahm, *History of the Province of Georgia with Original Maps of Surveys 1751-1771*, 54: "The Cherokee Towns comprehended in this Province are Tugelo, Keowee . . . all on the west side of Savannah River." Also in White's *Historical Collections*, 604: In 1774, after the meeting in Tondee's Tavern a protest was made and resolutions passed beginning with the words: "We the inhabitants of Keowee and Broad River Settlements . . ." Dated "Georgia Parish of St. Paul's, August 24, 1774." Also, Lamar, *The Bench and Bar of Georgia*, 25: "... left to the voters to determine whether the court house of Richmond County should be located at Kiokee, Brownsville or Augusta. . ." (c. 1776). Quoted from *Revolutionary Records of Georgia*, III, 565.
In January, 1788, Houstoun was occupied with a case to be tried in the Court of Common Pleas in Charleston, in which Philip Hart was the plaintiff. Houstoun’s counsel was Edward Rutledge, a distinguished attorney of South Carolina, and a signer of the Declaration of Independence. He was one of the delegates appointed by the Continental Congress in 1776 to confer with Lord Howe on his proposals for a reconciliation. In 1780, Rutledge was sent on an important mission by General Benjamin Lincoln but was captured by the British and sent to St. Augustine where he was confined for a year before his exchange. When the British evacuated Charles Town, he returned home and engaged in legislative duties.

On receiving a letter from Rutledge early in January informing Houstoun that the “cause would be held in the ensuing court” on January 12, and desiring him to acquaint the writer if his witness, Philip Minis, could swear that he might send a commission to examine him, Houstoun learned that he had erred in reading the court’s calendar. Meanwhile he had been preparing his case for the third Tuesday in February. He had concluded that there was time enough to have Minis make his affidavit before one of the assistant judges, as the chief justice was away, and he was “alarmed” because he could not get the commission from Charles Town and return it in nine days. “The weather coming on rainy and unusually severe there was no opportunity to get the papers to Charleston.” He concluded, “As I have just come to Town and find the vessel on the point of sailing I have not time to get my affidavit put under the Seal of the Court; however I hope it will answer, as it is, the Purpose for which it is intended under the 4th. Art of the Confederation.” Both the letter and the deposition were dated January 7.166

166. MS. letter in the Historical Society of Pennsylvania. The last paragraph would seem to refer to the concluding section of the fourth article of the Articles of Confederation and Perpetual Union Between the States: “Full faith and credit shall be given in each of the States to the records, acts and judicial proceedings of the courts and magistrates of every other State.” Benson Johnson Lossing, Harper’s Encyclopaedia of United States History, New Edition, (New York and London, 1901), II; (Alphabetical: Confederation, Articles of).
On Sunday, March 9, 1788, Hannah Houstoun lost by death her aged father, Jonathan Bryan, in his eightieth year. His end closed the notable career of that fine patriot, who, during fifty years' residence in Georgia, filled many government positions, and served loyally his adopted state. He was interred in the family vault on Brampton plantation. John Houstoun was one of his executors.

Notwithstanding his desire to retire from public life, which he expressed in 1784, John Houstoun continued to be the people's choice for service in their behalf. He was selected again for a special convention in 1788, following Georgia's unanimous ratification in January of the Federal Constitution. New Hampshire's ratification on June 21, 1788, completed the requisite quota of nine states. Georgia needed a new constitution, and, as the time was propitious, Governor George Handley ordered an election for delegates to attend a convention to meet in the autumn to consider the alterations and amendments necessary to change the state's constitution. John Houstoun, John Habersham, and General Lachlan McIntosh were named to represent Chatham County. In October two of Chatham's delegates, Houstoun and Habersham, declined to serve, and their refusal necessitated the calling of a special meeting to elect their successors. It required two conventions to make the necessary changes in the new state constitution, and a third one to ratify it in May, 1789.

In the early autumn John Houstoun and other constituents of Chatham County were concerned over the fall elections which was one of the chief topics of conversation among politicians. Some anxiety was felt over the vote of the "northern merchants," and General Anthony Wayne, it was hoped, would use his influence with them. Since 1782 General Wayne had lived part of the time at his plantation west of Savannah, which that year was given to him by the legislature in recognition of his military service in the South during the War of the Revolution. On September 30, 1789, his friend Richard Wayne wrote that a spirited contest was under way. "I had yesterday," continued Richard Wayne, "a Serious chat with our Mutual Friend Mr. J. Houstoun, he expresses a wish for your being In Town for the
Election .... Your influence with the Northern merchants may have much weight.”

One aspiration of John Houstoun remained unfulfilled. In the summer of 1789 he made application for the appointment of a Federal judgeship, but President Washington gave the office to Nathaniel Pendleton (1756-1821). On July 17 a bill passed the Senate of the United States organizing the Judiciary, and thirteen district courts were created. In the interim between the passage of the Judiciary Act and the appointment of judges, it is thought that the President had the Georgia applicants' names under consideration, because he approved the measure on September 24, and two days later his nomination commissioning Nathaniel Pendleton as the first United States judge in Georgia was confirmed by the Senate. Pendleton was known personally to the President who held him in high regard. There may have been other Georgia applicants besides the two mentioned, but at least John Houstoun's was accompanied by “very respectable recommendations.”

Several changes pertaining to the governorship were made in the 1789 Georgia constitution, the chief one providing that the tenure of office should be two years instead of one. The status of the Georgia Assembly, likewise, was altered. A senate body was added to the house of representatives, thus causing a revision in the rules for electing the governor. Under the new arrangement the house was to choose three names to be sent to the senate, which was given the power to elect. When the two branches assembled in Augusta on Tuesday, November 7, 1789, a new situation was before the members. On the first day the senate elected its president and secretary, and the house its speaker and clerk. The next day the first order of business was the election of a governor, and when the ballots were counted in the

house, the vote stood as follows for the three names: Edward Telfair, twenty-five; John Houstoun, twenty-five; and William Pierce, nineteen. The names were sent to the senate, and when the votes were counted there, Telfair and Houstoun received the same number. The second ballot was not held until Friday, when the votes again were equal. On Monday a third ballot was cast when Edward Telfair was unanimously chosen to that important office. Although in the end he was defeated, Houstoun had the satisfaction of finding himself a candidate in a contested election for governor for the third time. Before the assembly adjourned near the end of the year, John Houstoun was elected one of ten justices of the peace for Chatham County. The next high position to which he was called brought him distinction as well as honor, for no other had ever held the office.

Steadily through the years the little colonial settlement, Savannah, had grown. In the year 1789, with the population exceeding two thousand, the town was determined to change its status from a town to a municipality. By act of the legislature Savannah was incorporated a city December 23, 1789, the style of the act designating it as, “The Mayor and Aldermen of the City of Savannah and the Hamlets thereof.” The day after the passage of the act, Governor Telfair issued a proclamation directing Joseph Clay, Richard Wylly, and William Gibbons to attend as judges for the election of aldermen, requiring all who were entitled to vote to meet at the market place on the first Monday in March of the ensuing year between the hours of ten in the morning and twelve noon for the purpose of electing aldermen. When elected, the latter were directed to convene the following Monday to elect a mayor “out of their own body.” “Savannah was a very important little city . . . . Enjoying an extensive and lucrative trade, it was proud of its past, confident of its future, and eager to put on the style of a full-fledged municipality. Its citizenship embraced men of national note; its merchants were in touch with the great world of commerce, and in all it had the attributes of an intelligent, wealthy and progressive community . . . .”

171. Thomas Gamble, “Municipality 125 Years Old Today,” in Savannah Morning News, March 8, 1915: Only two other Southern cities had preceded Savannah in having incorporated municipalities: Richmond, Vir-
On Monday, March 1, 1790, the electorate of the newly incorporated municipality walked to the market place on Ellis Square to ballot for the first city fathers. With what eagerness the entire citizenry, women as well as men, must have waited for the election returns, which, when the announcement was made, gave the election to Joseph Habersham, John Houstoun, Matthew McAllister, Samuel Stirk, Edward Lloyd, Joseph Clay, and Justus H. Sheuber, chosen aldermen for one year. Those seven well-selected men were true and tried patriots of Georgia, and their constituents were fully aware of their calibre and ability when the choice was made. But there was yet the climax to come when the new aldermen were to discharge their orders from the Governor to select one of their number to be the chief magistrate of the city. Accordingly, one week later the aldermen gathered in the council room in the court house for that purpose, and "on counting the ballot it appeared that John Houstoun, Esq., was elected, who having taken the chair the board proceeded to business, having first taken an oath . . . ."\textsuperscript{172}

For the next few days the mayor and aldermen devoted much time to working out details; providing for the several city officers, fixing salaries, drafting rules for transacting their business, devising a seal for the city, arranging the time for their regular meetings, which they decreed should be held every Tuesday morning at 10 o'clock, and setting fines for late attendance. Thereafter Savannahians were notified of the approaching meeting of council by the ringing of the church bell, a ceremony which continued for many years.

Considerable improvements were undertaken and accomplished during John Houstoun's year as mayor. Bids were called for public wells to be sunk in the squares to give the city an adequate water supply; fire-engines were purchased; fire ladders and hooks were stored in the market and in the vendue house on the Bay; and better police protection was provided.\textsuperscript{173} But there were public nuisances which the mayor and aldermen found necessary

\begin{footnotesize}
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\item \textsuperscript{172} Gamble, \textit{History of the City Government}, 48. Quoted from the minutes of the meeting, \textit{Georgia Gazette}, March 11, 1790.
\item \textsuperscript{173} \textit{Ibid.}, 48, 49, 50.
\end{itemize}
\end{footnotesize}
John Houstoun, “Rebell Governor”

...to correct by ordinances. One was “to prevent as much as may be the dreadful Effects of Canine Madness.” The ordinance was passed on April 30, 1790, and it was made lawful for any person for the space of twenty days afterward “to kill and destroy all or any dogs found or discovered in any square, street, lane or any other open place within the limits of Savannah.”

Another ordinance regulated and restricted the retailing of spirituous liquors, and “the Use of Billiard Tables, Shuffle & Skittle Alleys within the limits of the City of Savannah and the Hamlets thereof,” stipulating that in order to use the above, “every person must have a license within his house or out of it.”

Toward the latter part of the year, council made provision for the several bodies by passing an ordinance for laying off into lots particular parts of the Common to be appropriated for purposes announced to the public through the columns of the newspaper. Four lots were “reserved and vested forever in the Wardens and Vestry of the Episcopal Church called Christ Church and their successors in office.” Three were reserved for the Presbyterian meeting house, two for the German Lutherans and for the Hebrews, eight for the academy, and two for the hospital.

When the seventh of March, 1791, arrived, John Houstoun again was elected to the aldermanic board, his name heading the list published in the Georgia Gazette. Three members of his old board were returned with him. To his amazement, no doubt, he was re-elected mayor. Then he voiced an emphatic no, as the newspaper the following Thursday announced that, “Monday last Thomas Gibbons, Sen., Esq., was chosen one of the aldermen and next mayor of this city in the room of John Houstoun, Esq., who resigned.” A day intervened between the election of Houstoun and Gibbons; so it is possible that John Houstoun’s objections were overruled by his board before he had time to give serious reflection whether or not he should consider serving a second term. When he made his decision, it was in the negative.

It is interesting to conjecture if Houstoun knew of the approaching visit of the President of the United States to the city of Savannah, and if so whether or not he would have declined the

174. Georgia Gazette, April 29 and May 6, 1790.
175. Ibid., September 30, 1790; March 10, and March 17, 1791.
mayorality just a few weeks before the event. General Washington left Mount Vernon for his tour of the South in April, 1791, and arrived in Savannah in the early afternoon of Thursday, May 12. He left the South Carolina plantation of Thomas Heyward at five o’clock in the morning for Purrysburg, where he breakfasted and was met and greeted by five eminent patriots from Savannah, who composed the official committee: Dr. Noble Wimberly Jones, Colonel Joseph Habersham, John Houstoun, General Lachlan McIntosh, and Joseph Clay. The committee presented him with “an address of welcome in behalf of Savannah and its Vicinity, convened for the reception of the President,” and “conducted him in a boat which had been equipped and neatly ornamented for the occasion.”

The President was greeted on the bluff by a concourse of persons, and was handsomely entertained during his four days’ visit to the city.

John Houstoun’s last important office was conferred upon him at the close of the year 1791 when he was elected a judge of the superior court of Georgia. There was no supreme court in the state until a much later time, and the superior courts were supreme in their respective circuits. In the period between the close of the Revolution and the organization of the new government, a number of men were designated chief justices. The new constitution provided that the superior court judges should have a competent salary which was not to be diminished during their continuance in office, and they were to hold their commission for a term of three years.

Nominated by the house of representatives of the state of Georgia, John Houstoun’s name was one of three sent to the senate for appointment as a judge of the superior court. The senate concurred with the house on December 22, while the assembly was sitting in the state house in Augusta. The procedure was for the newly appointed judge to go to Augusta to qualify before the governor. Upon receiving notification of his

176. *Georgia Gazette*, May 19, 1791.
177. Marbury and Crawford, *Digest*, 17. The first judge of the superior court in Georgia was Henry Osborne, who was elected by the senate in December, 1789. He served for one year when he was suspended. He was impeached, and deprived of the right to hold office in Georgia for thirty years. Executive Minutes 1789-1790, 65; Senate Journal of 1791, p. 31. (Department of Archives and History, Atlanta).
John Houstoun, “Rebell Governor”

election, Houstoun wrote Governor Telfair that he could not attend him “without manifest inconvenience to his concerns.”

In consideration of Houstoun the Governor sent a dedimus potestatem appointing William Gibbons, senior, Joseph Clay, senior, and Dr. George Jones, three of the judges of the inferior court of Chatham County, or any two of them, to administer the oath, which was done in Savannah, January 5, 1792.

When the dedimus was returned to the Governor, qualifying John Houstoun as judge, and signed by the three appointed judges of the inferior court, the secretary of state was ordered to prepare the commission which was signed by Edward Telfair, Governor, and John Milton, Secretary of State, January 17, 1792.

Shortly after receiving his commission, Judge Houstoun was formally complimented by the mayor and aldermen of Savannah on February 7, 1792. On that occasion the newly appointed judge was presented with an honorarium of £150 which had been voted by the council as a “mark of the esteem and regard of the citizens of Savannah.” Judge Houstoun’s response to the liberality of Savannah was simple and brief. He said:

Gentlemen

I feel myself happy in being able to add to the honor of my appointment the approbation of your honorable Body.

Sensibly impressed with gratitude for the liberality and attention of my friends, it is not more my duty than it shall be my endeavor to justify, by every means in my power, the very favorable opinion you are pleased to entertain of me.

In spite of pressure from affairs of state, John Houstoun found time to look after his plantation interests in McIntosh County. On April 7, 1791, he wrote his friend William Stevens (or Steven)

178. Senate Journal of 1791, 52; Executive Minutes, 1791-1792, 64, 110; Department of Archives and History, Atlanta.
179. Minutes of the Superior Court of Chatham County, February 14, 1792; Clerk’s Office, Savannah, Georgia, Book 2, pp. 267-269.
180. Miller, The Bench and Bar of Georgia, II, 98-100. Lamar, The Bench and Bar in the Eighteenth Century, 25, “... and John Houstoun—whose commission is interesting in itself and by comparison with the brevity of those now used, when the State has two hundred times as many inhabitants.” (1913).
at Windy Hill on the Altamaha River apprising him of a shipment by boat of seed potatoes, rice, and seven hands. Houstoun called Stevens's attention to one of the hands, an old driver, who, while “not very active . . . has many good Qualities,” and his wife, a wench for whom he could not “say much.” Apologizing for his failure to obtain an “Iron Crank,” he suggested that Stevens try to have one made in Frederica. “I don’t think,” he concluded, “you can venture to plant for above fifty hands this year, and even that not a large crop.”

Plantation annoyances pursued John Houstoun, and in the spring of 1792 he was apprised of the fact that his overseer, a Mr. Gervy, on the McIntosh County plantation, had left his services abruptly. Again he wrote to William Stevens of Windy Hill. Gervy had left the McIntosh County plantation to become overseer on the plantation of Alexander Bissett. Houstoun learned of Gervy’s move from Thomas Spalding. That Stevens had not kept him informed about such an important matter as the loss of his overseer at the beginning of the planting season irritated the former governor. He rejected Gervy’s alleged plea of ill health and warned that “such pretences will not authorize him to trifle with my Interest.” Convinced that his former overseer had violated an agreement, he complained that “I cannot think myself well used by him or those who tempted him out of my service by the offer of a larger salary.”

While he held the office of judge, John Houstoun’s portrait was painted. Unfortunately the artist has not been identified, but undoubtedly he was one of distinction, because his work on the portrait “represents the fine style of the period. It is simply handled with all the emphasis on the head and face, and has dignity and quality.” In the portrait Judge Houstoun is shown wear-

183. Autograph letter signed. Owned by the author.
184. Savannah Morning News, April 2, 1941. The portrait was purchased by the author on March 31, 1941, from Mrs. Marie Bayard Collins of New York City. Up to that date there was no known portrait of John Houstoun in existence. C. C. Jones, Jr., in Biographical Sketches of the Delegates from Georgia to the Continental Congress, 119, wrote in the sketch on William Houstoun, “. . . his portrait as well as that of Governor Houstoun with the family plate and many papers of historical value were unfortunately consumed by fire in Southwest Georgia.
In December, 1792, Judge Houstoun resigned his office to the senate whose secretary relayed the information to the House of Representatives. In nominating three men the names of Matthew McAllister, John Houstoun and William Stephens were sent to the senate for election. When the ballots were counted John Houstoun was the choice of that body.\footnote{Senate Journal 1791, 1793, pp. 253, 255. Department of Archives and History, Atlanta. In Receipt Book 47, also in the Department, it is shown that Judge Houstoun's salary for one quarter, November 4, 1793, was £87.10s.}

In the year 1792 a new honor and more work came to John Houstoun. His capabilities were called upon for one more executive office when he was made president of the board of trustees of the Chatham Academy. In 1788 when the legislature met in Augusta, an act was passed establishing an academy in Chatham County. For its maintenance one thousand pounds specie from confiscated property in the county was ordered placed in the hands of a board of trustees, composed of John Houstoun, John Habersham, William Gibbons, Sr., James Habersham, Samuel Elbert, Seth John Cuthbert, and Joseph Clay, Jr. Apparently the board was not able to fulfill the trust until 1792. Houstoun was

\[\text{whither, during the late war between the states, they had been conveyed in the hope of promoting their safety.} \]

The recently purchased portrait is in the original frame, and on the back is a brief biographical account, but unfortunately it has obvious errors. Evidently, it was written by someone a long time after John Houstoun's death, and not by the original owner who would have known the date of his birth:

\begin{verbatim}
John Houstoun Governor
of Ga. 1778-1784 son of Sir
Patrick Houstoun died
1796. The painting was
done in 1791, age 49 years
Given to Dr. Nicholas Bayard
& wife Cath. Livingston Bayard
& later their son [in-law]
Nicholas [Serle] Bayard & his
son Nicholas James Bayard
& later to Nicholas R. Bayard
N. Y. C.
\end{verbatim}

The portrait was restored in November, 1941, by Edward J. McMullin of Philadelphia.
The Houstouns of Georgia

president of the board. In May of that year John Houstoun wrote to city council applying for the use of the filature. On the twenty-second of the month the board met at the home of the president who read a letter from Mayor Joseph Habersham apprising him that council had agreed to the trustees' request by allowing part of the filature for the use desired. The board immediately began to organize the academy by deciding on the salary of the first tutors, which was to be twenty-five dollars annually, beginning from the second Tuesday in June; and other tutors were to be added, one "at the rate of three poor children to be educated gratis." The "rates of schooling" were for those who were to study reading, writing, and arithmetic [no figure] dollars a quarter; for those who were to be taught languages and other branches of learning, six and a half dollars a quarter. The Reverend Benjamin Lindsay, rector of Christ Church, who had also been the classical tutor at Bethesda, and Joseph Turner were appointed first and second tutors. They were to collect all the money from the pupils and give credit to the board which at the end of the year would make up any deficiency that might be necessary to raise the tutors' salaries to the amount of twenty-five dollars. The board further decided to notify all persons who desired to place their children or wards in the academy to give in the names of the prospective pupils to the secretary, John Habersham, before the second Monday in June. Dr. Donald McLeod and Joseph Clay were appointed the committee to draft by-laws and regulations to lay before the board at its next meeting. Nine months later the academy was in full running order. The trustees took their guardianship seriously, as they attended an examination of the pupils, and expressed themselves satisfied with the progress made. At the board meeting held on March 20, 1793, the members decided it was "their duty to recommend to parents and guardians to place their children" in the academy. The decision was reached also that when the next examination was held the trustees should distribute premiums to those pupils who excelled in their studies.\(^{186}\)

The pupils of the academy had six months in which to prepare for the event, which took place on September 12. That day five boys and one girl awaited the arrival of the board of trustees who were to present the awards. When John Houstoun, president,

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\(^{186}\) Georgia Gazette, June 8, 1788, May 24, 1792, and March 21, 1793.
with John Habersham, William Stephens, William Gibbons, Richard Wylly, and Joseph Clay, Jr., arrived at the filature, they superintended the examinations, and then the prizes were awarded. Isaac Minis, as the best Latin scholar, was presented two volumes of Telemachus; Archibald Clarke, "the best writer, and in other respects, a good scholar," was given two volumes of Telemachus; George Haupt received two volumes of Beauties of Shakespeare, as the best speaker; Samuel Elbert, the best reader in the first class, was awarded Goldsmith's Rome; George Glen, the next best reader, was also given Goldsmith's Rome; and Sarah Brown, as "the best female reader," was presented with a copy of Goldsmith's England. When the next issue of the newspaper appeared, the trustees announced that they highly approved of the situation in which they found the academy, and of the advancement made by its pupils. It was requested that any persons wishing to accept appointments of first and second tutors might lodge their names with the secretary.

At last the time arrived when John Houstoun was in a position to keep his determination to retire to private life. He did not complete his three-year appointment, but resigned his judicial office in December, 1793, although his term of office did not expire until January, 1795. When the General Assembly met on December 19, his resignation was accepted, and George Walton was elected to succeed him.

The previous September John Houstoun's younger brother, Dr. James Houstoun, had died, leaving his brothers George and John his executors. John Houstoun and his wife adopted one of the daughters of Dr. James Houstoun, Harriet Thompson Houstoun, who was probably a young girl at the time of her father's death. For lack of evidence to the contrary, the year 1794 may have been a quiet one for John and Hannah Houstoun, providing an opportunity for the former to give his time and attention exclusively to family matters as well as to a neglected law practice. The next year, however, he was again in prominence, following the death of his brother George in June, 1795.

187. Ibid., September 19, 1793.
188. See post, 309-10.
189. See post, 311.
During that summer Savannah felt a repercussion from a question over which the whole country was aroused. John Jay, Chief Justice of the United States, had been sent by President George Washington to England to obtain a new treaty with Great Britain, which, when ratified by Congress, raised a storm of abuse from Republicans, and caused dismay even among Federalist party members. Leading men in Savannah called a meeting of citizens at the court house on Saturday, July 25. General Lachlan McIntosh presided and the conclusion was reached by resolution that notice be sent throughout the county requesting persons to meet at the courthouse the following Wednesday morning at 10 o'clock to consider the proper measures to adopt respecting the treaty. When the men of the city and county assembled it was found that the courthouse would not hold the crowd; so the assemblage adjourned to Christ Church. General McIntosh begged permission to resign the chair whereupon Dr. Noble Wimberly Jones, who was nearing seventy years of age, was called upon to preside. By resolution a committee of fifteen was appointed, among whom was John Houstoun, to consider the treaty and to bring in a report the following Saturday. On motion it was resolved "that it is the opinion of this meeting that the impending Treaty of Amity, Commerce and Navigation between his Britannic Majesty and the United States of America, is an infraction of the sovereignty of the said United States, and derogatory to the honor, interests, and happiness, of the citizens thereof." During the intervening three days, the committee worked assiduously, and when the adjourned meeting opened it was ready with a lengthy report which was read by the chairman, John Y. Noel. Taking their cue from the sentiment expressed by those who had attended the former meeting, the committee members expressed their opinions in an exhaustive report covering the twenty-eight sections of the treaty. On its conclusion, Noel and James Habersham were appointed a committee to prepare an address to be sent to the President of the United States. Two copies were ordered engrossed to be signed by the chairman in behalf of those present, and it was directed that the report and the account of the proceedings be "transmitted by land and water to the President of the United States with all possible expedition." Then followed a vote of thanks to the chairman and gentlemen
comprising the committee for their attention and faithful discharge of the trust to which they were appointed. 190

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Early in January, 1796, John Houstoun sold his White Bluff plantation. The indenture was made on January 6 between John and Hannah Houstoun and Edward Lloyd, Esquire, of Savannah, who paid four thousand seven hundred and fourteen dollars and twenty-eight cents “and one half Cent” for three hundred and seventy-five acres. Thereafter it was known as “Lloyd’s Tract.” 191 The Houstouns retained one-half of the lot overlooking the Vernon River, all of which John Houstoun had bought in 1772. It seems likely they had a summer residence there.

It can be assumed that in the spring John Houstoun’s health began to fail as his was not a sudden death. In May a distinguished French émigré, the Due de la Rochefoucauld-Liancourt, spent eight days in Savannah, and recorded that there were only a few lawyers in the city. The nobleman, commenting further on the legal profession in Savannah, wrote: “... the business of a lawyer is one of the most lucrative professions.” 192 It is possible that he met John Houstoun, and included him among those to whom he made reference in general terms.

In the early summer, John Houstoun lay ill of bilious fever at White Bluff, and passed away in July. Although he died in a small suburban community only eight miles from the city, the newspapers, being weeklies, could not publish his death notice until their next issue. The news appeared first in the *Columbian Museum & Savannah Advertiser* of July 22:

Died at White Bluff on the 20th. inst. the Hon John Houstoun Esquire.

Six days later the *Georgia Gazette* carried this obituary:

July 20, 1796, died at White Bluff, of bilious fever, John Houstoun, former governor and first Mayor of Savannah, a


genteel no less conspicuous for the amenity of his manners than eminent for his talents as a lawyer and a statesman.

From a friend's letter a few more details can be added. Mary Anne Cowper, the daughter of Basil Cowper, was in July, 1796, residing with her family at New Hope, South Carolina, only a few miles down the river from Savannah. In answer to a letter from her cousin, Eliza McQueen, she wrote: "... it makes us very happy to hear of you all being well by James & who brought me your very acceptable letter— tho some of the accounts are far from being so—& Mr. John Houstoun's death gives us real concern, we pity Mrs. H. extremely, and those so nearly interested, his two nephews & Harriet—poor Man, death has been long making its Appearance & I hope found him prepared..."

Since John Houstoun died at White Bluff it would seem that his remains would have been interred on his own property as was customary at that time, but to date (1949) his burial place has not been identified. Another mystery is added to John Houstoun's life. The birthplace and year, the marriage date, and the grave of one of Georgia's distinguished sons seem destined to remain in obscurity.

In his will written on May 2, 1796, and probated on July 22, 1796, he left legacies to his brother William and his wife; to his nieces and god-daughters, Ann and Priscilla Houstoun, daughters of his brother George; to Johanna Houstoun, a god-daughter, daughter of his brother Dr. James Houstoun; to Harriet Louisa Baillie, a connection of the Houstouns; who with Johanna was in Scotland, and to other relatives. Ratifying and confirming the manumission of a "black woman named Doll," he "made free" also his Negro woman Venus and devised that fifty dollars be paid to her within one year after his death. To all of Doll's children he left six hundred dollars each to be paid to them within two years after his death. The rest and residue of his estate, real and personal, he bequeathed to his wife, his god-

193. From the Mackay-McQueen-Cowper Collection owned by the Georgia Society of the Colonial Dames of America deposited in the Georgia Historical Society, Savannah. Typed copy is in the collection, but the original letter is lost; so the date cannot be checked (1949).

194. The property is now (1949) owned by Mr. Ralford J. Wood, the Director of the Telfair Academy of Arts and Sciences, Savannah.

195. LaFar and Wilson, Abstracts of Wills, Chatham County, Georgia, 57.
John Houstoun, "Rebell Governor"

daughter, Harriet Louisa Baillie, his “adopted daughter, (being my niece) who now lives with me Harriet Thomson Houstoun,”
to be divided among them share and share alike.

On receiving her share, his wife had to consent and agree to
“throw in all and every the negroes which she may claim under
or which are contained or comprehended in a certain Deed
executed by her Father . . . into common stock . . . and also this
further consideration that my said Wife set up no claim against
my Estate for Dower . . . But if my said Wife shall set up any
such Claim of Dower or make other Demand than under this
will or refuse to throw in the said negroes . . . then it is my will
. . . that my said Wife shall receive nothing further out of my
Estate than the said negroes . . . which . . . I do . . . hereby ratify
and confirm to her and a reasonable sum to be settled (by my
Executors if that can be done, and if not in Court of Law) for her
Dower.” Following that clause was the provision that the re-
mainder of his estate was to be divided among the other two
residuary legatees. His executors were his three nephews Patrick
Houstoun, James Edmund Houstoun, and John Houstoun Mc-
Intosh.196

Although the appraisers mentioned the “negroes subject to
Mrs. Houstoun’s claim,” it would appear that Hannah Houstoun
accepted her husband’s decree, as the Reynolds Square house
remained in her possession several years longer. Two years after
his death John Houstoun’s estate was still unsettled. From a study
of the advertisements of his executors no conclusion can be reach-
ed as to the solvency of John Houstoun at the time of his death.
It is almost certain that much of his property had to be sold to
pay his debts and legacies. The first notice appeared in one of
the newspapers in October following his death, and offered for
sale a small stock of cattle and hogs and some household furni-
ture at the “thicket,” near Darien, in McIntosh County.197 The
next announced a sale, to be held at the courthouse on December
6, 1796, of a plantation or tract of land in Liberty County, in
the district of Sapelo, 35,000 acres, under cultivation, with a new
barn and Negro houses. Also, in the first part of December,
a notice stated that on January 23 of the next year all of the

196. Ordinary’s Office, Chatham County Court House, Box H, 1-47, No. 22.
197. Georgia Gazette, October 13, 1796.
household property would be on sale at the house of the late John Houstoun, conditions cash. In the year 1798 more property was sold. In April a public auction took place at Cathead plantation of a moiety of slaves belonging to the estate of John Houstoun. Cathead, it will be recalled, was the plantation of his brother Patrick. All of the Negroes, also two valuable, improved, rice plantations, one of 2500 acres, on Cathead Creek, and one of 3500 acres within a few miles of the latter, called Turkey Camp, were to be sold on February 5 of the following year. Of the Negroes, the notice read: “the gang consists of sawyers, jobbing carpenters, and prime field hands, amounting in all to upwards of an hundred. Persons inclined,” it was advised, “to purchase seasonal Negroes had better avail themselves of this opportunity, as perhaps so good a one may not occur for some time . . . .”

As one of the heirs of her father Hannah Houstoun held property in her own right. She owned a lot in Yamacraw, which once belonged to the Reverend Mr. Zubly, left to her by her mother, and the six Negroes given to her by her father in his lifetime, presumably her dower. She had plantations on Wilmington and Skidaway islands, and the unsold half-lot at White Bluff. On June 5, 1799, the hammer fell on her beautiful home on Reynolds Square, when the property was sold to George Woodruff and James Johnston, Jr., sons-in-law of Sir George Houstoun, Baronet, in trust for the heirs of the latter. Two years later Hannah Houstoun gave a quit claim of the property to the above-named trustees. Later in the month she requested her nephew, Joseph

199. Ibid., December 7, 1798. Turkey Camp plantation was not sold until many years later. The proceeds were divided among the grandchildren of James Johnston, Jr.
200. Ibid., December 13, 1798.
201. Office of the Clerk of the Superior Court of Chatham County. Book V, 408.
202. Ibid., Book V-469. Later in the month the trustees, who were the husbands of Jean Houstoun Woodruff and Ann Marion Houstoun Johnston, conveyed one undivided interest to their wives and their children. (Books Y-317 and X-384). In June, 1808, the Woodruffs deeded their half to Colonel and Mrs. Johnston, (Book 2B-214), who on their deaths left the house, known in the family as “The Mansion,” to their children, the youngest of whom was Susan (Book 2Z-507). In 1840, a marriage
Bryan, by letter, to pay her brother-in-law, Richard Wylly, the sum of $1000, "which is my due for my Proportion of the Union."\textsuperscript{203}

Mrs. John Houstoun lacked three months of being thirty-seven years old when her husband died, and during the eleven years of her widowhood she turned her energies to farming. From an inventory of her estate made some years after her death, it seems that she planted cotton on her main plantation on Wilmington Island, where she had seven Negroes valued at seventeen hundred dollars, two cotton gins, and twelve "head of cattle."\textsuperscript{204}

Ten months before her death, Mrs. Houstoun, her sister Mary Wylly, and their nephew Joseph Bryan, paid to the former wife of their deceased brother James, Mrs. Ann Middleton and her husband, David Middleton, of South Carolina, the sum of three thousand dollars, who in turn released all claim whatsoever to the estate of Jonathan Bryan, with the exception of a tract of land on the Great Ogeechee River near a place known as Bryan's Cowpen, relinquished by the above named heirs.\textsuperscript{205}

In August, 1807, Hannah Houstoun's health began to decline. She lingered until the latter part of November when she returned to the city "from the country,"\textsuperscript{206} and died at her residence in Savannah, of fever, a few days later on November 23, 1807, at the age of forty-eight. She was buried the next day. In December, Mrs. Wylly and Joseph Bryan, her nearest relatives, applied for letters of administration on her estate. Like that of her husband, her last resting place is unknown.

Thirty-five years after John Houstoun's death the legislature of the State of Georgia passed an act on May 15, 1821, setting

\begin{quote}
settlement was entered into between Susan Marion Johnston and George Jones Kollock, who became the owners of the house (Book 2Z-79) until August 14, 1849, when the property was sold to Dr. James Proctor Screven. (Book 3G-58).
\end{quote}

\begin{quote}
203. Copied from original order and receipt, with signature of Hannah Houstoun, owned by Mrs. Samuel C. Lawrence of Charleston, West Virginia.
\end{quote}

\begin{quote}
204. Chatham County Court House, Ordinary's Office. File No. 61.
\end{quote}

\begin{quote}
205. Copy of deed owned by Mrs. S. C. Lawrence.
\end{quote}

\begin{quote}
206. Mortuary Records of the City of Savannah, Vol. 2, p. 19. It is recorded she was by "profession a planter."
\end{quote}
The Houstouns of Georgia

aside Houston County;\(^{207}\) and by a strange coincidence, the new county was formed within the territory of the Creek Nation which had been acquired by the United States for the use of Georgia through a treaty concluded at the Indian Spring in the previous January. Houston County is a part of “the territory lying between a line commencing on the Ocmulgee River opposite Fort Hawkins and running due west on the Flint River . . . .”\(^{208}\) In naming the county those who wrote the text of the act did not even pay the former governor the compliment of mentioning the reason why the county was thus named, but left it to other state records to preserve the fact that it was designated Houston County for a man who had served the state faithfully.\(^{209}\) A street in Savannah, in the old part of the town, is named for John Houstoun, but it is spelled “Houston”; and one in Augusta likewise in the old section, is named for the former governor, and is also spelled “Houston.”

Two estimates of the character of John Houstoun have been selected to close the story of the “Rebell Governor”: “The name of John Houstoun is entitled to the highest respect; for he was indeed a man of strong abilities, of purest patriotism, and of the most determined courage;”\(^{210}\) and Charles C. Jones’s tribute. “John Houstoun,” he wrote, “was amongst the most zealous advocates of the rights of the colonists. Of honorable descent and liberal education, of acknowledged bravery and commanding influence, his memory is indissolubly associated with some of the best traditions of the epoch and community in which he dwelt.”\(^{211}\)

\(^{207}\) The honor would have been greater if the legislators who framed the act had seen to it that his last name was spelled correctly. There is little excuse for the error, as contemporaneous official records, more frequently than not, carry the name spelled correctly. No doubt an indifferent and inattentive clerk is responsible for the blunder.

\(^{208}\) Certified copy of the act furnished the author by the late John B. Wilson, Secretary of State of Georgia, October 7, 1937.

\(^{209}\) Ruth Blair, State Archivist, compiler, Georgia Official and Statistical Register, 1929 (Atlanta): “Houston County . . . named for Governor John Houstoun.” See also White, Statistics of the State of Georgia, 332, where the name is spelled Houstoun.

\(^{210}\) Miller, Bench and Bar of Georgia, 96.

\(^{211}\) Jones, History of Georgia, II, 203.