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Johnston, Edith Duncan, Houston, Rab

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Chapter XIII

WILLIAM HOUSTOUN, DELEGATE TO THE CONTINENTAL CONGRESS

Prior to his mother's death in 1775, William Houstoun, if he did not have a tutor, probably received his adolescent education in the Savannah schools, as it seems likely that Lady Houstoun was living then in her Broughton Street house. There were several good private schools which William might have attended. Among them was one that was constantly being advertised in the Georgia Gazette, the principal of which was John Holmes, who from 1766 to 1772 offered "a most ambitious curriculum, including classic languages." 1 In the year following his mother's death William must have made his home with one of his brothers, as his sister was married and had gone away to live. He studied law in his brother John's office and became his clerk. On October 2, 1775, he made a deposition before Attorney General Anthony Stokes for John Houstoun, who had a case in the General Court: James Pritchard v. James Butler. The deponent swore he had "duly posted on the Door of the Court House ordering the defendant to appear within ten days, . . . and that he had searched the record and had found no appearances asked or plea filed." 2 On January 7, 1776, William Houstoun again acted for his brother in making a deposition on another case of the same character. Before the summer came William Houstoun must have expressed a desire to go abroad for further study. His guardians, who were his brothers George and John, from the interest on the legacy left to William by their mother, made arrangements for him to go to London. Bidding farewell to his brothers and other relatives, he sailed from Savannah in June to enter the Inner Temple for a course in law when he was nine-

2. Autograph deposition signed, Historical Society of Pennsylvania, Etting Collection, M.O.C.
teen years of age. Houstoun remained abroad at least four years and perhaps longer. Besides his stay in London he visited his Scottish relatives and also went to Paris. He was fond of social life, and indications show that he was a dressy young man and liked handsome and colorful suits of clothes. When he returned home he must have brought presents to all of his family. His gift to his brother John was a handsome silver watch which he had inscribed on the back of the case, “To my Brother John Houstoun, William Houstoun 1780.” The earliest reference to William after the war was in 1782. Governor Wright, in a letter to Under Secretary William Knox, dated Savannah, February 23, 1782, makes allusion to “... Sir Patrick Houstoun & his Brother William, Lately come from England...” William Houstoun’s name did not appear among those on the Banishment and Amercement Act, and when he came home he “espoused the cause of the Revolution,” and received a commission. On January 27, 1785, he received a bounty grant from the state of Georgia of two hundred and eighty-seven and a half acres of land in Washington County. When the confiscated estates were offered for sale, William Houstoun, on June 13, 1782, purchased, for seven hundred and fifty pounds, five hundred acres on the Great Ogeechee River that had belonged to his brother George; and on June 19, he helped his brother Patrick when he bought in two thousand five hundred condemned acres for twenty-five thousand pounds. The young man twenty-four years old could not possibly have had such a large amount of money to invest; so his brothers, unquestionably, supplied the cash to buy back their own property.

Having prepared himself for the legal profession, William Houstoun applied to the Georgia Assembly, on August 3, 1782, for permission to practice law in the state, and his petition was granted. One of his clients was his brother, Dr. James Hous-

3. The watch was bought by the author from Mrs. Marie Bayard Collins in March, 1941. The hallmark shows the silversmith’s date, 1769.
5. Jones, Biographical Sketches, 118.
6. Revolutionary Records of Georgia, III, 175. That procedure for admission to the bar was changed some years later.
toun, who engaged William to collect an unpaid medical bill. It was necessary for Dr. Houstoun’s attorney to apply to the court to have a process issued. The court reviewed the application and granted his attorney’s request.⁷

In December, 1782, Houstoun was elected to the State Legislature as a representative from Chatham County. On Tuesday, January 7, 1783, he qualified as a member and took his seat in the assembly which was meeting in Savannah. The first order of the day for the house was to proceed to the appointment of a committee on privileges and elections. Later the committee reported and it was ordered “that the House do Take the Same into Consideration on Thursday next.” The eligibility of William Houstoun as a member of the house was questioned immediately at that meeting, because a special committee was appointed, composed of “Mr. Andrew” and “Mr. West” of Liberty County and “Mr. Deveaux” of Chatham County to investigate the matter. The following morning the special committee reported that it begged leave to refer the question back to a committee of the whole house, because the members did not feel competent to determine how far the British lines extended at the time William Houstoun retired from them. From what followed, it is evident that the house understood the situation: “It is unanimously agreed that the Reconsideration of the eligibility of William Houstoun, Esquire, and the Report of the Special Committee be adjourned sine die.” And shortly afterward William Houstoun was appointed on a committee with “Mr. Telfair” and “Mr. Gibbons.”⁸ That cleared William Houstoun of all doubt of his right to his seat in the assembly.

But the explanation of the incertitude of the committee was brought out when the regular committee on privileges and elections reported that William Maxwell, William Bryan, Thomas Netherclift, and William Horsby were not eligible to sit in the house, “for not having resided Twelve Months in this state since their being British Subjects, and the same being debated in the House.” It was agreed on motion that their seats be declared

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⁷ The Historical Society of Pennsylvania. Autograph deposition signature. Old Congress Convention, Case 1, Box 7, under William Houstoun. There is no date on the document to show when the process was issued.
⁸ Revolutionary Records of Georgia, III, 198, 200, 201.
vacant. That ruling was conformable with the Constitution of 1777, which required that no one could serve as a member of the legislature who had not resided in the state twelve months and in his county three months.

A side light on the commotion created in the assembly on the day of the above debate is gleaned from a contemporaneous letter of the Honorable Joseph Clay of Savannah to Cornelius Coppinger of Havana, written February 8, 1783, and describing the situation: “We had very violent struggles in the present House of Assembly, but they have all preponderated as we would wish so far as our circumstances permitted. The seats of 4 or 5 men who had taken protection under the British Govt were declared vacant from their not having been long enough under the American Govt. to make them eligible to so important a trust.”

Major General Nathanael Greene and Mrs. Greene were visiting in South Carolina and an invitation was extended to them to come to Savannah for a special purpose. They arrived on January 12, 1783, and the morning after their arrival the legislature met and appointed a committee to prepare an address of welcome to the illustrious general. It was ordered that Mr. William Houston, Mr. Telfair, and Mr. Jackson be that committee.

Before the session closed that day the committee presented its address, in part as follows: “The Legislature of the State of Georgia wish to assure you of the real happiness your Presence in their Capital has given them . . . They congratulate you on the signal success wherewith the arms of the United States under your Command . . . has been Crowned by the total expulsion of the Enemy from the Southern States.” The report was received and the address ordered to be delivered. Two days later General Greene’s reply was received and read before the house. In his letter he said, “Your Polite and Obliging address To welcome me to the State afford me the most Singular Satisfaction. . . . I beg the Legislature to believe I am highly sensible of the Honor they have done me. . . .” General Greene had received from Georgia, in appreciation of his service to the state during the Revolution, the planta-

9. Ibid., 206.
11. Ibid.
tion Mulberry Grove, valued at fifty thousand pounds, and the confiscated estate of the former Lieutenant Governor John Graham.

One month after William Houstoun had become a member of the House of Assembly an honor was conferred upon him when he was elected, by ballot, with Joseph Habersham, William Few, and Joseph Clay, a delegate to represent the state in the Congress of the United States for one year. But it happened, for reasons hereafter explained, that not one of the above-named delegates ever attended the Continental Congress in 1783. However, William Houstoun continued to serve through that session of the Georgia assembly on various committees, until July 8 when "Mr. Seth John Cuthbert was returned elected for the County of Chatham in the room of William Houstoun, Esquire who is elected a Continental Delegate, appeared and took the Oath Prescribed in the Constitution." From that time on William Houstoun sat in the Georgia House of Assembly as a delegate to the Continental Congress with the power to vote and the privilege of serving on committees and taking part in debates, which was his constitutional right.

The 1784 session of the assembly opened on January 6 in Savannah. The fact that none of the four elected delegates to represent Georgia in the Continental Congress for the previous year had ever attended the congress during that time, puzzled and disturbed the assembly. On January 9, 1784, a committee was appointed to inquire why the state was "unrepresented" at the Continental Congress in 1783. The committee was composed of Stephen Heard "of Wilks," William Gibbons and James Jackson, of Chatham County.

Shortly afterward on the same day, the house chose four delegates to represent Georgia in the national congress. They were William Houstoun, Samuel Elbert, Edward Telfair, and Joseph Habersham. Houstoun was thus chosen a second time and was re-elected in 1785 and 1786.

On January 20, the committee to report on those who were absent from the Continental Congress in 1783 was ready. A motion was made that the report of the committee be postponed, which

13. Ibid., 320.
being debated was carried in the negative by a close vote, twenty-two to twenty-one. Gibbons and Jackson of the committee voted in the negative and Heard did not vote. Two of the Continental delegates, Habersham and Houstoun, voted in the negative, and Few, elected the previous year, voted in the affirmative. The other two delegates were not present.

The report was then called for and read: “It Appears to the committee as well from the letter of the late Governor Mr. [Lyman] Hall as from the Information that the Proper Credentials were never sent on to one of the Delegates at the time of his Appointment then in Virginia or Official information of Such Appointment given him till the month of August, when his Affairs did not Permit him to Proceed to Congress; it further Appears to the Committee that another Gentleman held himself in Readiness to go to Congress till the month of September and declared the same by letter to the late Governor Mr. Hall through William Houstoun Esquire another of the Delegates but Never Received either Credentials or Supplies and that the said Mr. Houstoun was Prepared from the time of the Election offering to bear his own expenses, but was Refused his Credentials whereby this State has been unrepresented in Congress for the last year to the Manifest injury of the same.”

The salary paid to the Continental delegates was four dollars a day each to be estimated during their attendance there and the time in going and returning to Congress. In those days a journey to New York meant thirty days by sailing vessel, or from two to three weeks in a vehicle. That probably prevented some of the Georgia delegates from a continuous attendance. The congress required two delegates from each state to be present at a session, a hard matter to regulate where the Southern states were concerned.

On February 24, 1784, the house proceeded to the choice of Trustees for a College, when the following “Gentlemen” were elected: “John Houstoun, James Habersham, William Few, Joseph Clay, Abraham Baldwin, William Houstoun and Nathan Brownson, Esquires.” The next day it was resolved that His Honor the Governor be requested to grant eight land warrents for five thousand acres each in the names of the trustees or their successors

15. Ibid., III, 449, 450.
in office, in trust for the college to be established in the state.\textsuperscript{18} But it was not until 1801 that arrangements had been completed for the first building of Franklin College. There had been months and months of preparation and meetings before it was decided, definitely, to erect the university building on a small plateau above the Oconee River. Later a part of the tract became the town of Athens. William Houstoun’s part in the college’s affairs was small. During the first years of the organization, 1784-1787, he was in attendance at the Continental Congress and it was impossible for him to attend the meetings. Finally he resigned in 1797, as he was then living in the North.

About six weeks after the election of January 9, 1784, the house, on February 23, elected other Continental delegates in addition to those already chosen: William Few, William Gibbons, Esquires, and General Lachlan McIntosh.

A notable fact is that William Houstoun and Joseph Habersham were the only two of the original delegates who were re-elected each time. At a May meeting of the executive council, the records specify, “William Houstoun Esquire, having by letter, signified his being ready to proceed to Congress, and there to remain for six months; and William Gibbons, Esq’ also, his intention of proceeding with him, thereto remain for four months; it was ordered that the Delegates have drafts on the Treasury for the amount of their allowance for the said respective terms, agreeable to the resolve of the Assembly in such cases made.”\textsuperscript{17}

The following day, May 13, the grant was signed, and on receiving the draft, William Houstoun made his preparations to leave. By May 15, he and William Gibbons were off for Philadelphia. They arrived June 12 after the congress had adjourned. On June 30, William Houstoun attended his first meeting and at once presented his credentials under the Great Seal of the State of Georgia signed by Governor Houstoun, his brother, and John Wilkinson, the Clerk of the Georgia Assembly. On July 5, the credentials of the Georgia members were re-read and the

\textsuperscript{16} Augustus Longstreet Hull, \textit{Historical Sketches of the University of Georgia} (1894). Also, \textit{Revolutionary Records of Georgia}, III, 557, 563. 
\textsuperscript{17} \textit{Revolutionary Records of Georgia}, II, 649, 650; III, 540.
members were presented to the congress as representatives of the state of Georgia. A few days later, July 8, William Houstoun was placed on a committee with five others to prepare a talk in answer to one received from the Chickasaw Nation.

Late in the summer of his first year as a member of the Continental Congress, William Houstoun heard of the death of his brother Patrick in Bath, England. The news had reached Savannah in August. That was the first break in the life of the five Houstoun brothers.

From November 2 until the day before Christmas congress sat in Trenton, and William Houstoun and William Gibbons represented Georgia. In the middle of December congress received a note from M. Francois, Marquis de Barbe-Marbois, Charge d’Affaires, of France, with a letter from Don Francis Rendon, agent of the Court of Madrid, and an extract of a letter from Don. J. Galvez, Minister of his Catholic Majesty, touching the boundaries of Louisiana and the Mississippi River. The letter and enclosures were referred to a committee on December 15. William Houstoun was a member of that committee, which reported two days later that it was necessary for the United States to have a commission at the Court of Madrid for the purpose of adjusting the claims of the two nations. Following the acceptance of the report, William Houstoun offered a resolution, which was carried, that the next Wednesday be assigned for the election of a minister to Spain. The same committee served to draw up instructions for the prospective minister. William Houstoun was appointed to serve on another interesting committee, composed of one delegate from each state, to receive the Marquis de Lafayette. The committee was instructed to assure the Marquis that congress “continued to hold the same high sense of his ability and zeal to promote the welfare of America both here and in Europe, which they have frequently expressed on former occasions.”

On the committee with Houstoun were, among others, John Jay and William Guerry. Lafayette had returned to the United States earlier in 1784 on the invitation of General Washington whom he visited at Mount Vernon, and then made an extended tour in Virginia and Massachusetts. Congress adjourned on December 24,

and returned to New York in time for the committee to receive the Marquis before he sailed on Christmas Day for France.

Some of the other committees of congress on which William Houstoun was appointed during his first year as a delegate there, were to serve with Francis Dana and Edward Hand to consider another committee's report on the necessity of having a commercial agent to represent the United States at Havana; one on rules for committees for the states, Indian affairs in the Southern Department, superintendent of finances, and several others.

Before continuing the narration of William Houstoun's official life, there are some descriptions of his appearance and character that throw light on his personality. In the opinion of one Georgian, "he was a thorough gentleman, an accomplished lawyer, and a citizen of high repute." He has been described by another writer as sturdy, and he has been written of as "the fiery young Georgian." William Pierce, who was later to be a fellow deputy to the Constitutional Convention, however, was not so complimentary in his remarks about Houstoun. He wrote: "Nature seems to have done more for his corporeal than his mental powers." In referring to his speeches in Congress, Pierce commented that he had "none of the talents requisite for the orator."

However harsh Pierce's criticism was, credit has to be given to Houstoun for trying out his powers, and for working as assiduously as he seems to have done. One anecdote of William Houstoun has been preserved which gives a picture of him in the hall of the convention. "Mr. Houstoun was a lawyer of note in his day. Loyal to his native state and section, he was quick to avenge any insinuation that reflected against either. On one occasion the Reverend James Manning, delegate from Rhode Island, made some remarks which he [Houstoun] construed as reflecting on the people of the South, and the next morning he appeared in Congress with a sword. His friends intervened and the fiery young

20. White, Abraham Baldwin, 106.
Georgian was persuaded to send his sword to his rooms by his servant, thus closing the incident."\textsuperscript{23}

Congress convened again in New York on January 11, 1785. The Indian controversy still was disquieting to the members of congress, and complications and up-risings continued to that year when relations with the Indians were acute both in Georgia and in congress. Georgia was not represented on the Congressional Indian Commission, and William Houstoun, who took umbrage at that slight to his state, wrote to Governor Samuel Elbert on April 2, 1785:

As we were much connected with the So. Indians, I took the liberty to mention that I thought a Commissioner ought to be appointed from our State, but I was very severely replyed to for suggesting that the least countenance ought to be given to so unworthy a State, and one that had not taken a single federal measure. . . . The whole body of Congress are become so clamorous against our State, that I shudder for the consequences. . . . It is very seriously talked of either to make a tryal of voting Georgia out of the Union or to fall upon some means of taking coercive measures against her. . . . The most infamous motives are imputed to her.

In expressing his attitude toward his own state he wrote bitterly:

I, Sir, as well from a disinterested Zeal, God knows, of serving my country, as from the warm persuasions of those who paid more attention to public Matters than to my private Interest, I agreed to leave a comfortable place in the midst of relations and friends, when if I was not amassing wealth I was however making more than my daily expenses . . . to come to a strange land amongst Strangers, under the full confidence that my country would not abandon me and make the ungrateful return of giving me up as a Victim. . . . I was induced to remain in Congress thinking I should at least have my Expenses remitted to me and I have been borrowing money . . . for which I am exceedingly pressed . . . and it is impossible for me to think of moving till I receive necessary relief sufficient to extricate me.\textsuperscript{24}


\textsuperscript{24} Burnett, ed., \textit{Letters of Members of the Continental Congress}, VIII, 81, 82.
He then besought the Governor to send him at least enough money to enable him to return home.

Congress finally decided Georgia should have a commissioner, and the appointment was given to General Lachlan McIntosh.

It seems fitting to explain the cause of the clamor of congress against Georgia alluded to in Houstoun’s letter. There are three reasons why Georgia was in such bad repute in the Continental Congress: one, she had had no delegates there for three years; two, she had not made any provision for paying her quota on the import measure; and three, she had made treaties with Indians in violation of one of the clauses of the Articles of Confederation and Perpetual Union Between the States.

As previously shown, the Georgia Legislature in 1783 had elected delegates to the Continental Congress, but none had attended, and the fact had been noted in the first session of 1784. In the preceding years Georgia's representatives attended from 1775 through 1779; but in 1780 and 1781, as well as 1783, there was none present from Georgia. In 1782, William Few and Joseph Habersham took their seats in May, and the next year, as noted above, Few, Gibbons, and Houstoun failed to attend because no funds had been provided for their expenses. Georgia was not the only state that merited disapproval. On December 23, 1783, Congress passed a resolution that letters be sent to the executives of the unrepresented states, New Hampshire, New Jersey, Connecticut, New York, South Carolina, and Georgia, informing them that “the safety, honor and good faith of the United States require the immediate attendance of their delegates in Congress.”

Georgia at least acted even though she took five months to do so.

At the time William Houstoun wrote to Governor Elbert in April, 1785, New York and Georgia were the only states that had not adopted the right to levy taxes.

Under the suggestion of punishment to which Houstoun referred, chastisement had been considered by one member of congress for those states to which quotas had been assigned, and Georgia was but one to fall under the ban. Some light is thrown on the feeling in congress through a letter written in April, 1783,

The Houstouns of Georgia

by Stephen Higgenson, of Massachusetts, to Theophilus Parsons, of Boston:

If quotas assigned to the several States . . . and a majority of the States should make provision for the discharge of their quotas, will they not find means to coerce those that are delinquent? Will not two or three frigates in time of peace be sufficient for the purpose?\(^{26}\)

The proposal was made on the assumption that only a minority of the states would be guilty of negligence. Happily such severe measures were never taken, and Georgia was spared punishment on that account.\(^{27}\)

In considering Georgia's attitude toward treaties with Indians, it is well to keep in mind that under the Articles of Confederation all states felt free to act independently when they saw fit. Georgia was no exception, and she regarded the Indian problem as her own affair. Even before, after, and during Governor Houstoun's administration, as noted above, Indian matters were the concern of the state's executive committee. Clashes and terrorism in South Carolina and Georgia caused the latter to take action. In 1782, a treaty was made with the Cherokees; and in May, 1783, a meeting with the Indians was held in Augusta when a treaty was signed by Governor Hall and five commissioners appointed by the legislature, and a number of Indian chiefs and warriors. In the following November a treaty was made with the Creeks, and in 1785 another treaty was made with the same tribe, all having to do with boundaries and cessions of lands. The section in the Articles of Confederation upon which Georgia appears to have been infringing was somewhat vague. It declared:

No state without the consent of the United States in Congress assembled, shall send any embassy from, or either enter into any conference, agreement, alliance or treaty with any king, prince or state. . . .\(^{28}\)

The loophole through which Georgia may have thought she could slip was her interpretation that Indian chiefs and warriors

\(^{26}\) Ibid., 569, 570.
\(^{27}\) Ibid., 570. Georgia adopted the measure in March, 1786 (Ibid., 643).
\(^{28}\) Watkins, Digest of the Laws of the State of Georgia, 798. Article VII.
could not be regarded as "kings or princes." Or, perhaps her leaders gave it no thought at all!

Governor Elbert answered Houstoun's letter, and on June 26, the latter wrote again to Elbert from New York representing the Georgia delegation:

Your letter of the 5th May I have had the honor to receive and no oppy. having offered since that time and for some time before for Savannah, makes it now necessary to send a number of dispatches together — as they are all large, together with the Journals, and newspapers I have delivered Mr. Gibbons the bearer of this letter for you, they will give you every public information the Delegates therefore at present have no occasion for making any observations in their official capacity — but have requested me I should answer your private Letter to assure your Honor of their being here in N. Y. that every means in our power is to be used to keep them supplied — and the necessity of the Delegation of the State being kept up is apparent from the advantage we already attained in Congress — they have been disapp. in not receiving the one hundred and fifty Pounds from [?] & Thomson. The delegation will write by Doctor Vicars who goes in a few days — As Mr. Gibbons is now just going off in haste and can give any acc⁴ of matters here. I hope I shall experience in future the advantages of a salary more forcibly than I have hitherto received.

He added in a postscript:

I wish it was in the power of the State to pay my arrears of salary.²⁹

William Houstoun and William Few were elected by the Georgia legislature on February 10, 1786, to represent Georgia again in the Continental Congress and to serve until the first Monday in November. They went to New York and appeared in congress the first Monday in June, producing their credentials. On August 7 a "Grand Committee" was appointed "to report such amendments to the Articles of the Confederation and such resolutions as may be necessary." The members of the committee were Samuel Livermore, of New Hampshire; the Reverend James Manning, of Rhode Island; Nathan Dane, of Massachusetts; Melancton

²⁹. Historical Society of Pennsylvania. Autograph letter signed, Gratz Collection, Case 1, Box 25.
The experience gained by attending the many sessions of the Continental Congress from 1784 through 1786 prepared Houstoun for his next office: a deputy to the Federal or Constitutional Convention. The Georgia legislature in February, 1787, appointed six deputies to the Philadelphia convention: Abraham Baldwin, William Few, William Houstoun, William Pierce, George Walton, and Nathaniel Pendleton. Few was present on the opening day, May 14. Although still an elected delegate to the Continental Congress, Houstoun did not attend any sessions in New York that year. He arrived in Philadelphia on May 31, and presented his credentials and took his seat the next day. The president of the convention made a note in his diary under date of May 31: “Another representative increased by the coming in of the State of Georgia by the arrival of Major Pierce and Mr. Houston.” Baldwin followed Houstoun and Pierce in ten days and remained in constant attendance. Pierce grew weary and returned to New York. Houstoun and Few attended the convention intermittently, but they were not both absent at the same time. “Houstoun on four occasions [spoke in open convention] suggested minor amend-

32. White, *Abraham Baldwin*, 93-96. “No roll call was kept; so attendance of individual deputies cannot be stated positively.”
ments which were sometimes adopted and sometimes not.” On a vote taken on June 29 on the representation of the senate in the legislature, Georgia’s vote was a tie, Baldwin and Houstoun differing in their opinion. Baldwin voted with the small and Houstoun with the large states. William Houstoun attended the convention regularly throughout the month of June and three weeks in July, and served on the committee on state representation in congress. He offered one resolution affecting the election of the President of the United States: “that he be appointed by the national legislature.” Six states supported the Georgia delegation at first. “... in Houstoun’s opinion it was impossible that capable men from the more distant states would undertake the service of electors appointed by state legislatures.” The final vote including Georgia’s was carried for the latter procedure, and George Washington was elected the first President of the nation. Seven of Houstoun’s speeches have been recorded briefly; the longest one, delivered on July 18, contains fifty-one words.

Houstoun entered a debate on a resolution proposing “that Congress guarantee to each state a Republican Constitution and its existing laws.” There was strong protest against the measure, and in expressing his views Houstoun said he feared the perpetuation of the existing state constitutions. “That of Georgia,” he stated, “is a very bad one,” and he hoped it would be revised and amended. He explained how hard it would be for the national government to decide between contending political parties in the state each of which claimed the sanction of its Constitution.

Few had returned to Congress in New York, but went back to Philadelphia the end of July knowing that only two deputies were needed at the Federal Convention. It is thought that after Few joined Baldwin William Houstoun left the Convention on July 26. It is recorded that “imperative business called Houstoun from the Constitutional Convention to which he gave such hearty

33. Ibid., 101.
35. Gamble, “Georgia’s Part in the Making of the American Constitution.” Georgia’s Constitution was revised in 1789.
support."36 Baldwin and Few remained in Philadelphia and signed the document and then joined Pierce in New York. Pierce carried a copy of the constitution to Georgia, where a convention, called for the purpose of reviewing it, met in Augusta from December 2, 1787, to January 2, 1788. The constitution was adopted on the latter date, Georgia being the fourth state to give its official approval. Although four of the deputies were present at the Augusta convention, Houstoun was not, which conveys the impression that he had returned to New York where personal business awaited him.

Attending the Continental Congress at the same time as William Houstoun was William Churchill Houston, of New Jersey. Ten years the senior of the Georgia representative, William Churchill Houston was a native of South Carolina, the son of Archibald and Margaret Houston. The parents moved to North Carolina, and their son, after receiving his education at the College of New Jersey (Princeton University), was made professor of mathematics and natural philosophy at the college; and later he was a member of the New Jersey legislature. In March, 1777, he was elected deputy secretary of the Continental Congress, Charles Thomson being secretary. To the deputy secretary fell a large part of the correspondence of the congress, and other secretarial tasks. Houston was elected a delegate to the congress, 1779, and in 1787 he was a deputy to the Constitutional Convention. He died August 12, 1788.37


37. Thomas Allen Glenn, William Churchill Houston, 1746-1788 (Privately printed, Norristown, Pa., MDCCCCIII). In the appendix the author has written: “. . . his family derived its name from the Parish of Houston in Renfrewshire,” and he then gives quotations on the early lineage of the Houstoun family found in Semple’s The History of the Shire of Renfrew, quoted in the first chapter of this book. Glenn assumes that Sir Patrick Houstoun, first baronet, was the ancestor of the South
When William Houstoun was a delegate to Congress in New York he met Mary Bayard whom he married. Her father and mother were Nicholas Bayard III and Catherine Livingston Bayard. The Bayards trace their ancestry back to the French knight who was styled "Sans peur et sans reproche." An early Nicholas Bayard (1644-1707), a Huguenot minister, fled from France to The Netherlands after the massacre of St. Bartholomew. His son Samuel married Ann, a sister of Peter Stuyvesant (1602-1682), the last Dutch governor of New York, who married Judith, the sister of Samuel Bayard. After the death of her husband, Mrs. Samuel Bayard with her three sons and one daughter in 1647 emigrated to America with the Stuyvesants. The eldest Bayard son, Nicholas, who was born in The Netherlands in 1644, was known in this country as Nicholas Bayard I. The old Bayard mansion was on the west side of the Bowery, and was near the Stuyvesant estate. Nicholas Bayard became secretary of the province of New York, was mayor of New York under the English regime, was a member of the Royal Council and held other important offices. In 1666 he married Judith Verlet. Their son Samuel (1669-1745), who was a member of the Colonial Assembly of New York and Judge of the Court of Common Pleas, Bergen County, New Jersey (1711), married Margaret, the daughter of Olof Stevense Van Cortlandt (1600-1684), who came from Utrecht, Holland, to the New Netherlands as an officer in the West India Company. After resigning from military service he held some of the highest offices in the colony, among them burgomaster in 1685. He was one of the richest men in New Amsterdam. He married Annetje Loockermans in 1642. Samuel Bayard’s son, Nicholas Bayard II, married Elizabeth Reinders, and their son, Nicholas Bayard III, married Catherine, one of the twelve children of Peter Van Brugh Livingston. The Bayards were well-known officials in Colonial and federal New York, and they were equally prominent.
The Houstouns of Georgia

in the social life of the city. As a family "their unique record of distinguished public service is all the more notable in that it has been conspicuous for dignity and a scrupulous sense of official proprieties, coupled with ability of an unusually high type."  

Mrs. William Houstoun's ancestry on her mother's side was also distinguished. Her great-great-great-grandfather, Robert Livingston, was born in Scotland in 1654, and died in Albany, New York, in 1725. A member of his family, Mary Livingston, went to France with Queen Mary Stuart (1548-1558) as one of her maids of honor. Robert Livingston came to America in 1673, and settled in Albany, New York, where he became secretary of the commissaries. He was a member of the colonial assembly in 1711, and in 1718 he was made speaker. He was appointed secretary of Indian affairs, which office he held over a period of years. He was called first lord of the manor. His Crown grant from George I was situated in Dutchess and Columbia counties. He first married Mary Tong, by whom he had eleven children, and his second wife was the daughter of Killian Van Rensselaer, the widow of Adomiah Schuyler.

Robert Livingston's eldest son, Philip (1686-1749), second lord of the manor, succeeded his father as secretary of Indian affairs, and was a member of the Provincial Council. He married Catherine Van Brugh, of Albany, New York, a lineal descendant of Johannes Pieterse Van Brugh (1624-1697), Burgomaster of New York in 1673.

During the latter part of his life Philip Livingston entertained lavishly at his three residences in New York, Albany, and at the manor. His namesake, Philip, his fifth child (1716-1778), was a signer of the Declaration of Independence, and held numerous important offices. The second son, Peter Van Brugh Livingston (1710-1792), was President of the first Provincial Congress of New York, was one of the committee of one hundred, and was one of the founders of the College of New Jersey. He engaged in shipping business with William Alexander, "Lord Stirling," whose sister Mary he married in 1739. He furnished supplies to Governor Stirling in his expedition to Acadia in 1755.

mansion was on the east side of New York, and his property extended to the East River. One of the daughters of the Peter Livingstons, Catherine, the widow of Mr. Provost, married Nicholas Bayard III, on April 20, 1762.

The residence of the Nicholas Bayards was on Canal Street, near Broadway, and they were members of the Reformed Dutch Church. The baptisms of two of their daughters, Mary and Eliza, have been preserved in the "Record of Baptisms."

<table>
<thead>
<tr>
<th>Jan</th>
<th>Nicholas Bayard</th>
<th>Mary, or Judit Bayard</th>
<th>Catharina Livingston</th>
<th>Maria Jeremia Van Rinselaar</th>
</tr>
</thead>
<tbody>
<tr>
<td>A 1766</td>
<td>5</td>
<td>Van</td>
<td></td>
<td></td>
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</table>

Sometime in the year 1788 Mary Bayard was married to William Houstoun, and they made their home in New York City. Nicholas Bayard owned a large tract in the lower part of New York, and through a section of his land he opened a street which he named Houstoun in honor of his son-in-law.

40. Information received through the courtesy of H. P. Miller, Assistant Clerk of the (Collegiate) Reformed Protestant Dutch Church, of the City of New York, August, 1936. The translation of the Dutch words is: "Ouders", parents; "Kinders", children; "Getuygen", witnesses or god-parents.

41. Broadway crosses Houston Street, which runs east and west. The eastern end connects with Houston Ferry, East River. (Information from Major Morrison V. R. Weynant of Brooklyn, New York. Early maps show that the street was spelled "Houstoun"). Some historians, in searching for the origins of names, come to queer deductions. Alvin F. Harlow, in his *Old Bowery Days: The Chronicles of a Famous Street* (New York and London, 1931), on page 158, writes:

> A street system, such as it was, had been established as far up as North Street, the dividing line between the DeLancy and Stuyvesant properties at the East River, a street whose name enthusiastic New York Democrats changed in 1830 to Houston in honor of Sam Houston, though the old General would turn over in his grave if he could hear the New Yorker of today pronouncing it Howston.

When a letter was written to the New York Historical Society in April,
toun's sister Eliza married John Houstoun McIntosh, the nephew of William Houstoun; another sister, Margaret, married Robert C. Johnson, of Connecticut, and Ann married her first cousin, Dr. Nicholas Serle Bayard.**42**

1942, for an explanation of the above, the reply from the librarian was illuminating. Miss Barck wrote:

> The source of New York street names is often difficult to ascertain unless the reason for the name is stated in the minutes of the Common Council of the City. I do not find in those minutes any record of the naming of Houston Street.

An unidentified newspaper of August 8, 1897, Miss Barck continued:

> "gave the course as named to commemorate some notable Knickerbocker."

To substantiate that claim Miss Barck gave a quotation from *De Halve Maen*, a quarterly published by the Holland Society of New York, Vol. XI, No. 11, January 7, 1836, from a note initialed, "L. B. S., Jr."

> . . . . We discovered that the street [Houston] name comes from the Dutch huijs and tuïjn, the former meaning "house", and the latter "garden". Literally translated, therefore, the street marks the "Gardens of the houses (in the village)". The pronunciation of the Dutch words also bears out the present day New York pronunciation of Houston.

> It would seem that the conclusion of "L.B.S. Jr." is decidedly far-fetched, considering further information given by Miss Barck:

What is now East Houston Street was originally known as North Street. On the Bridges map or Randel Survey of 1811 a street running west from Broadway to Hancock Street is clearly designated Houstoun. . . . The map in Blount's *Stranger's Guide* for 1817 shows *Houston* Street running from Broadway west to Hancock. On Goodrich's Map of the City of New York, post 1836, the street running west from the Bowery to Hancock is spelled Houstoun, and east of the Bowery it is designated as "Houston ante North."

In the Minutes of the Common Council, according to Miss Barck, the street is spelled both ways: In October 1808 it is spelled Houstoun; in 1806 it is spelled Houstoun, and in 1813, it is Houston. Since the official records of New York show that Houstoun Street was named before General Sam Houston came into prominence, it is useless to fear that his "last sleep" will be disturbed by the New York pronunciation.

42. After the death of his wife, Dr. Bayard went to live in Savannah. He served in the yellow fever epidemics in Savannah and St. Mary's, Georgia, in 1808. He survived the disease, and died in Savannah of "malignant fever" in 1821 (from the notes of the late Doctor Victor H. Bassett of Savannah). On September 5, 1804, he married, on Cumberland Island,
After their marriage, William Houstoun and his wife, accompanied by the latter's sister, Eliza Bayard, visited Savannah. The event that called them to William Houstoun's old home was the baptism of the tenth child of his brother, Sir George Houstoun, baronet, which took place in Christ Church on Sunday, June 29, 1788. The two Houstouns and Eliza Bayard were godparents for the baby who was named Rachael Moodie. During his visit to Savannah William Houstoun had been notified that he had a letter in the Dead Letter Post Office in Savannah and was given until June 20th to collect. It is presumed he claimed his letter.

Barely a week after the christening of the baby the Houstouns and Eliza Bayard left for their northern home. The weekly newspaper of Savannah, *The Gazette of the State of Georgia*, announced in its issue of Thursday, July 11, that "On Friday last, sailed for New York, the sloop *Jenny*, Capt. Schemerhorn, in which William Houstoun Esq., Mrs. Houstoun, Miss Bayard, Major Webb, Mr. John Fisher and Mr. Richard Randolph were passengers." After an absence of a year and a half William Houstoun returned to Savannah.

Early in December, 1789, William Pierce, friend of William Houstoun and fellow delegate to the Constitutional Convention, became ill and on the seventeenth of the month, *The Gazette of the State of Georgia* published the notice of his death: "Last Thursday night [December 10] died at his plantation, Major Pierce. On Saturday evening his remains were attended from the house of James Seagrove Esq., at Yamacraw to the place of interment." In the same issue appeared the following notice: "The sloop, *Jenny*, Capt. Schemerhorn [arrived] from New York. William Houstoun Esquire (et al) December 13." By a strange coincidence Wil-
liam Houstoun arrived in Savannah the day after his friend's funeral. Could he have heard several weeks before that Pierce was ill and hoped to reach Savannah before he died? Or was he just coming to Savannah for another visit and happened to arrive at that time? Two of William Pierce's friends must have attended his funeral because an item in the same paper announced that Abraham Baldwin and Colonel William Few had sailed for New York on the sixteenth of the month.

In the spring of 1789, the United States had its first President when General George Washington was inaugurated in New York on March 4. Mrs. Washington did not accompany her husband for the ceremony, but tarried at Mount Vernon for a month before joining him. New York in 1789 is described as a "squalid, insignificant, eccentric little town of 29,000 inhabitants whose narrow crooked streets were cluttered with filth in which hogs rooted in contented defiance of municipal regulation, and suffering from the effects of seven paralyzing years of British occupation during the War of Independence and two disastrous fires."44

Mrs. Washington left Mount Vernon the latter part of May, and on her way stopped overnight in Elizabethtown, New Jersey, where she was entertained at Liberty Hall, the country seat of Governor William Livingston (1723-1789), the uncle of Mrs. William Houstoun. Prominent guests were entertained by Governor Livingston, who was the father of four daughters, one of whom married John Jay. For the reception of Mrs. Washington, the house was beautifully decorated with flowers, and distinguished guests attended to do her honor. In the morning the President went from New York to escort her to the city, where she arrived on May 27.45 Within a month after her arrival the ladies of the city called on her to pay their respects. The executive mansion on Cherry Street at Hanover Square was "large and comfortable, and the furnishings were augmented by additional furniture and pictures sent by sailing vessel from Mount Vernon."46

William Houstoun

The Savannah paper published a list of those who called on Mrs. Washington, among whom were Mrs. William Houstoun and her sisters.47

The Supreme Court of the United States held its first session under the Constitution on February 3, 1790. Two days later, five practitioners appeared before its bar and were admitted as counselors. Following the English custom of the practice of counselors and attorneys one of them stipulated that "it shall be requisite to the admission of Attorneys and Counselors to practice in this court that they shall have been such for three years past in the Supreme Court of the State to which they respectively belong, and that their private and professional character shall appear to be fair." During the next three days, six more men were admitted as counselors from various states and seven attorneys [among the latter William Houstoun], "all of New York."48 The admission of William Houstoun to practice as an attorney in the Supreme Court of the United States, under the aforesaid rule, establishes the fact that he had been an attorney-at-law in New York City for three years, and that he had been trying cases in the Supreme Court of that state. The Georgia newspaper took cognizance of the action of the Supreme Court by announcing the incident in its columns: "The Supreme Court of the United States was adjourned on the 10th of last month till the first Monday in August next. The following is the roll of the Gentlemen admitted to practice in said Court."49 Eighteen counselors and nine attorneys were listed with, of course, the name of William Houstoun included. Thus were his Georgia friends apprised of his latest achievement.

While he was abroad William Houstoun evidently formed a friendship with Archibald Robertson, who went to New York in 1791. Robertson, who was a painter, designer, and etcher, was born in Monymusk, near Aberdeen, Scotland, in 1765. He studied art in Edinburgh and in London from 1782-1791. When he came to the United States he brought with him "from his patron the

47. Georgia Gazette, July 9, 1789.
49. Georgia Gazette, March 18, 1790.
Earl of Buchan, for presentation to General Washington, a box made of the oak that sheltered Sir William Wallace after the Battle of Falkirk. At the request of the Earl of Buchan, Washington sat for his portrait to Robertson." William Houstoun also sat for his portrait which Robertson painted soon after he came to this country. The subject wore a brown coat with a waistcoat of yellow, red, and blue stripes, a lace ruffled shirt and neckerchief. In his portrait he shows a marked resemblance to his mother, Priscilla, Lady Houstoun. In the left hand corner of the portrait is inscribed in red letters, "A. R. 1791." The portrait was later owned by Nicholas Bayard III, father-in-law of William Houstoun.

The first child of William and Mary Houstoun of whom there is a record was born in 1795. According to the will of William's brother John Houstoun, written on May 2, 1796, a legacy was left to his brother, "William and wife now in New Jersey." Since Mrs. Houstoun had Livingston relatives in Elizabethtown, she and her husband may have been living there at that time. A child was born to them on November 7, 1795, was baptized in the Dutch Church, New York City, March 28, 1796, and was named Catherine Priscilla Ann. She died in infancy. Their second child, Maria Church Houstoun, was born November 28, 1798, and was baptized on Christmas Day; while their third child was

50. Mantle Fielding, The Dictionary of American Painters. Robertson was one of the founders of the American Academy of Art. (Courtesy of The Historical Society of Pennsylvania.) Constitution Sesquicentennial Commission, Loan Exhibition of Portraits of the Signers and Deputies to the Convention of 1787 (Washington, D. C., 1938), 8, "... the Columbian Academy of Painting was opened in New York City in 1792 by Archibald Robertson and his brother,..."

51. The portrait, owned by the author, was bought in March, 1941, from Mrs. Marie Bayard Collins of New York. On the back is written:

Likeness Hon. Wm
Houstoun Admitted
Inner Temple London
1776. Delegate of Congress
1784-1787.
Done in N. Y. C. 1791 by his friend.
Archibald Robertson.

The portrait, with that of his brother, Governor Houstoun, was at the Bayard homestead at Westerly, Long Island, but was removed before the fire of 1937.

52. LaPar and Wilson, Abstracts of Wills, Chatham County, Georgia, 57.
William Houston

Patrick Houston

June 5th (Dec. 1754)

Priscilla Houston

John Houston

SIX HOUSTOUN SIGNATURES
born on April 29, 1801, and was baptized Elizabeth Bayard, May 26.\footnote{Record from Baptisms in (Collegiate) Reformed Protestant Dutch Church of the City of New York, furnished by H. P. Miller, August, 1936.}

In the year 1808, Mrs. William Houstoun paid a visit to her sister, Mrs. John Houstoun McIntosh, whose husband owned a plantation on Fort George Island, at the mouth of the St. John's River, Florida, and there she died and was buried.\footnote{The inscription on a slab of a vault on the east side of Fort George Island on a point near the mouth of the river is: "Mrs. Ann Bayard Houstoun, daughter of Nicholas Bayard of New York, sister of Mrs. Eliza Bayard McIntosh." The omission of her husband's name and the error in Mary Houstoun's own name is explained in Carita Doggett Corse, The Key to the Golden Isles (Chapel Hill, North Carolina, 1931, pages 111, 133-144), from papers owned by Mrs. Millar Wilson of Fort George Island, the daughter of the late Mr. John F. Rollins of New Hampshire, who bought the island in 1868. Mr. Rollins found the McIntosh burying ground screened by a thick hedge of bittersweet oranges in which grew narcissi, jonquils, moss-roses, and snow drops. "Mr. Rollins felt obliged to use this space for part of his orange grove and carefully buried the headstones in their proper places... he afterwards regretted the act because a little later a certain Mr. McIntosh arrived with two headstones to place on the graves of his relatives. The old gentleman was rather non plussed when Mr. Rollins explained what he had done, but happening on some ancient brick graves of Oglethorpe's day, he tied the names of his ancestors to these tombs. He seemed so relieved at this solution of his dilemma that Mr. Rollins did not have the heart to forbid it, but the inquiries which have multiplied in regard to those graves caused him much annoyance in after years." The author is indebted to Marmaduke H. Floyd for the inscription on Mrs. Houstoun's tablet.}

William Houstoun outlived his wife only four years. He was taken ill suddenly and was beyond relief when a physician arrived. He died the next day at the home of his father-in-law, Nicholas Bayard, in Canal Street. His death occurred in the year 1812 when he was fifty-five years old. He was interred in the Bayard family vault, and his remains were removed the next year and were re-interred in the churchyard of St. Paul's Chapel in lower Broadway March 17, 1813. He was the last of the children of Sir Patrick and Lady Houstoun to pass away.\footnote{Correspondence with the Surrogate Court of New York reveals no record of William Houstoun's will ever having been probated in New York. Georgia and New York newspapers have been searched without success for mention of his obituary. In September, 1937, when the United States Constitution Sesquicentennial Commission, of which the late Sol Bloom, M. C., was Director General, placed wreaths on the graves of the deputies to the Federal Convention, an effort was made to locate that of William Houstoun. Unable to find it, the commission had a wreath put in St. Paul's churchyard to commemorate Houstoun.}
The William Houstouns had no sons and their two daughters survived them. The elder, Maria Church Houstoun, married Lieutenant Commander John Ripley Madison, United States Navy, in 1818. Mrs. Madison's grave is in the small family burying ground of John Houstoun McIntosh's plantation, Marianna, in Camden County, Georgia. She died November 22, 1822, in the twenty-fourth year of her age, leaving an infant son. Inscribed in her epitaph is information on her husband: "Captain Madison sailed from St. Mary's, Georgia, in command of the U. S. Schooner Lynx, bound for Jamaica in February, 1821. No intelligence has since been received from him or the unfortunate vessel."  

The second daughter of William and Mary Houstoun, Elizabeth, married Duncan Lamont Clinch. There were two children who died in infancy.

56. The son lived to grow up and marry Sarah Jane Dummett. He died at Federal Point, his plantation on the St. John's River. He and his infant son are buried in the Protestant Cemetery, just outside the gates of St. Augustine. Their epitaphs are:

In Memory of
John Houstoun M J [McI] Madison
Born May 5th. 1820
Died Dec. 20th. 1853
and of his Son
John Ripley Madison
Born March 20th 1851
Died May 6th. 1852

There are many descendants from three other children of the Dummett-Madison union.

57. Houstoun Family Tree. After her death Lieutenant Clinch (afterward General), married the daughter of John Houstoun McIntosh.