

Photo from the South Carolina State House
Collection by Richard Taylor

John Rutledge and Elizabeth Grimké had issue:

- i. Martha Rutledge, born 1764; died March 1st, 1806; buried in St. Michael's Church yard. Married Dec. 9, 1785, Francis Kinloch. Issue: ① Frederick Kinloch, born D. Married March 12, 1816, Mary I'On Lowndes, born Aug. 1, 1800, and had issue. ② Ann Cleland, b. , d. m: Keating L. Simons. ③ Caroline b. d. m. Charles Mayrant.
- ii. Sarah Rutledge, bapt. 23 June 1765; died young. (*St. Philips Reg.* No. 2.)
8. iii. John Rutledge, born 1766; died Sept. 1st, 1819, in Philadelphia; married Dec. 26, 1791, Sarah Motte Smith, only child of Rt. Rev. Robert Smith, by his second wife Sarah Shubrick.
9. iv. Edward Rutledge, born Oct. 7, 1767 (*Journal of Ann Manigault*) died Feb. 19, 1811; married Jan. 14, 1794, Jane Smith Harleston, (1773-1835).
10. v. Frederick Rutledge, born March 1, 1769 (*Journal Ann Manigault*) died 12th April 1821, buried in St. Michael's Church yard; Married Oct. 11, 1797 (*St. Philips Register* No. 2). Harriott Pinckney Horry, died Oct. 13, 1858, buried in St. Michael's Church yard.
11. vi. Charles Rutledge M.D. born April 7, 1773 (*Journal of Mrs. Ann Manigault*) died 10th Jan. 1821, buried in St. Michael's Church yard. Married March 25th, 1800, Caroline, daughter of Roger Smith Esq. (*S. C. Gazette*, Friday, Mar. 28, 1800.)
- d.s.p. 12. vii. William Rutledge, born died 1822; married Sept. 12, 1797, Ann Grimké Coslett (*St. Philips Register*, No. 2). She was his cousin, being the daughter of Hon. Charles Mathews Coslett (or Cosslett) an assistant Judge for S. C., and Ann Grimké youngest daughter of John Paul Grimké, jeweller. (*S. C. Gazette*, Dec. 24, 1772.) Wm. Rutledge and Ann Coslett had one child, Nancy baptized Aug. 3, 1798, (*St. Philips Register* No. 2) who died young. A deed, dated 22 Feb. 1802, (Mesne Convey-

ance office, book E 7, p. 95) recites the marriage settlement of William Rutledge and Ann Grimké his wife, Hon. John F. Grimké and Mrs. Ann Coslett trustees; states purchase by William and Ann Rutledge from Hon. Hugh Rutledge, executor of Mrs. Sarah Rutledge, of a plantation in Christ Church parish. The original marriage settlement was dated Sept. 11, 1797, Mrs. Ann Coslett widow, and Edward Rutledge trustees. (Columbia, Off. Hist. Comm. Mg. Settlements No. 3, pp. 145-152). William Rutledge made his will 12th March, 1822, proved 29 May, 1822. Leaves his brother Frederick Rutledge Esq. all of his estate. Requests to be buried in St. Michael's Church yard by the side of his child Ann Coslett Rutledge. "No invitation, no notice to be taken of my death in newspapers, no crape or mourning or any of that nonsense, and to be conveyed to my grave as early as possible at the beating of the morning drum, coffin of Northward pine covered with black baise."

- viii. Thomas Rutledge, baptized July 22, 1774 (*St. Philips Reg. No. 2*) died young.
- ix. Elizabeth Rutledge, born Jan. 25, 1776; died 1842: Married 26 May, 1792, Henry Laurens Jr. (1763-1821). They had issue: ① John Ball Laurens B. D. 1827. Married Caroline Olivia Ball (1806-1828); had two children, John, who married Eliza R. Laurens, and Caroline who married 1st. James Withers Read, and 2d. Lt. John N. Maffit, C.S.N. ② Eliza Rutledge Laurens, married Joshua W. Toomer and had issue. ③ Henry Laurens, died s.p. 1828. ④ Frederick Laurens, d. 1827; married Margaret Harleston Corbett, and had one son, Richard Corbett Laurens, 1825-1855. ⑤ Edward R. Laurens, married Margaret Horry, three children, Eliza R. who married John Laurens, Henry, died s.p. and John who died s.p. ⑥ Harriett H. Laurens married Duncan H. Ingram and had issue. ⑦ Eleanor Laurens, married James Ramsay and

had issue. ⑧ Martha Rutledge Laurens, died 1868; married Robert William Roper, no issue. ⑨ Keating Simons Laurens, 1817-1853 married Elizabeth Peyre Ashby and had one son, Robert William Roper Laurens who later changed his name to Henry Rutledge Laurens.

- d. s. p. 13. x. States Rutledge, born 1783, died 17th August, 1829, buried in St. Michael's Church yard. Married 25 Nov. 1813 Julia Harriet Haskell, born 4 Sept. 1796, at Sweet Springs Va., daughter of Major Elnathan Haskell and his wife Charlotte Thomson. If they had any issue they died young.^{51a}

6.

Hugh Rutledge (Dr. John 1.) born about 1745;⁵² died January 15th 1811; married October 9, 1783, Ann, daughter of Thomas Smith Esq. and Sarah Moore.⁵³ She was born Sept. 1765 and died June 16, 1787 (this *Magazine*, vol. xxi p. 25)

Hugh Rutledge married second Oct. 4, 1788 Mary Golightly Huger, daughter of Maj. Benj. Huger born 1771; died 1835.

He was admitted to the Middle Temple, June, 28, 1765, returned to Charles Town Jan., 1768 (*S. C. Gazette*, Jan 4-11, 1768) and joined the Bar of South Carolina, Jan. 20, 1768. He was an able lawyer; in 1776 he was appointed Judge of Admiralty, and was Speaker of Commons House of Assembly from 1777 until 17 Oct. 1778. After the surrender of Charles Town May 12th 1780, he was with his brothers Thomas and Edward, banished from Charles Town. From 1782-5 he was Speaker of the House of Representatives, and in 1783, Judge of the Court of Admiralty. In 1790 the

^{51a} Heitman gives "Staats Rutledge of S. C. Lt. 1st. Art. & engis. 22 Feb. 1799; Died 29 Nov. 1801, appointed from S. C." This is probably States Rutledge, and the last date that of his resignation.

⁵² Neither the Register of Christ Church parish, nor that of St. Philip give the dates of birth of any of Dr. John Rutledge's Children with the exception of Sarah and Thomas.

⁵³ *S. C. Gazette*, Oct. 15, 1783. "Thursday the Hon. Hugh Rutledge Esq. Speaker of the House of Representatives was married to the amiable Miss Ann Smith, daughter of Thomas Smith Esq. of Broad Street." See also this *Magazine*, Vol. IV p. 41.

Constitution of the State was adopted, and the first section of the third article provided for the judicial power in the various courts.

On the 19th February, 1771, after John Rutledge had been elevated to the office of Chief Justice, Hugh Rutledge was appointed a Judge of the Court of Equity; this office, which still carried the title of "chancellor," he held until his death.

In December 1810, impeachment proceeding were brought against him, but he was acquitted.⁵⁴

The *Courier* for January 19, 1811, announces the changes necessarily to be made in the court schedule owing to the death of the late Hon. Hugh Rutledge, senior Judge of the Court of Equity.⁵⁵

His will in the form of a statement, is as follows.⁵⁶
January 1807. Since the making of the within will the Court of Equity has saddled me, *tho only a security*, with the debt of my Brothers John and Edward to Greenwood, contrary to all the adjudged cases to prevent my Estate being disposed of by Y^e to the very great Injury of my own Creditors for cash. I conveyed to my friend B. H.⁵⁷ A number of Negroes agreeable to my Marriage Bond in trust for my wife: others I mortgaged to Mr. Smith to secure a Bond due me to his Estate but which is the property of one, or both my children, Sarah and Hugh; the remainder of my property I have assigned to K. L. S.⁵⁸ in trust for Securing my own Cred^r. in the first Inst. & aft^{wd}. such debts of My Bro^r. as I am security for. If anything should be left after pay^g. the Debts, aforesaid it is my desire that it shall be divided by him between my children, Maria, Ben, Francis and Ann & any other child or children that may be born either before or after my Death. I make *no* disposition of any part in favor of Sarah and Hugh because I have given them the best Education that was in my power & further because they are entitled to receive a decent Sum of money from their Grand Father's Est: if it has been taken proper

⁵⁴ *Charleston Courier* Dec. 20, 1810.

⁵⁵ In compiling this brief sketch of Hugh Rutledge, O'Neal's *Bench and Bar of S. C.*, Jone's *Americans at the Inns of Court*, Appleton's *Encyclopedia of Am Biog.*, McCradys *Hist. of S. C.* Ramsay's *Hist. of S. C.* and others have been used.

⁵⁶ Probate Court Vol. E. p. 179.

⁵⁷ Benj. Huger.

⁵⁸ Keating Lewis Simons.



J. Rutledge

What One Lawyer Did

BY CORA MCKENZIE
PEEPLES

John Rutledge was born in September 1739 in Christ Church Parish (present Mount Pleasant area) of South Carolina. He was the eldest of the seven children of Dr. John Rutledge and Sarah Hext Rutledge. His mother was a niece of the Royal Governor of South Carolina, Thomas Boone. Her Father, Thomas Hext, and his two brothers, who died without children, left Sarah lands on St. Helena's and Edisto Islands as well as on Waccamaw, Stone, and Wando Rivers.

Dr. John Rutledge died when John was twelve years old and his mother hired David Rhind as tutor for her children. When John refused to study with the younger children, his uncle, Andrew Rutledge, a lawyer, was chosen to guide him. This uncle took John to his law office and to the Commons House of Assembly when Andrew served as Attorney General of the province. There John Rutledge learned the practical aspects of law while other young people were studying Greek and Latin. When his Uncle Andrew died Sarah Rutledge arranged for John to study with her lawyer, James Parsons. After two years of work with James Parsons, John was declared ready to practice law on his own. But Sarah Rutledge was determined that her son should have the same education that his friends enjoyed, so off he went to Middle Temple in London, England for a little over two years.

John Rutledge returned to South Carolina on Christmas Eve 1760. When his brothers arrived to take him to his mother's small house on the wharf, John determined that his mother was on the verge of bankruptcy. Im-

mediately he persuaded her to take his four brothers and two sisters to the Stone River plantation where they stayed for eighteen months until John was able to develop a lucrative law practice.

In early 1761, John Rutledge was granted the privilege of practicing law in South Carolina. It was customary for young men to join a law firm before attempting to practice law alone. But Dr. David Ramsay says in his *History of South Carolina* that John Rutledge was an "instant success" on his own.

Walter Greenland (formerly a carpenter for the Rutledge family) gave John Rutledge his first case. John managed to settle the disagreement with Greenland's current employer out of court.

When Miss Mary Cooke heard this, she gave him his second important case—a Breach of Promise suit. Duels were frequently fought over such affairs but never had such a case been taken to court. Miss Cooke passed St. Phillips Church and found the name of her lover, William Lennox, posted on the marriage banns with another lady. John Rutledge expertly argued the case before a jury composed of gentlemen whose businesses were being hurt by the defendant and his brother, whose department store in nearby Elliott Street was attracting more trade than those with the older wharf location. This jury solemnly awarded Miss Cooke 2500 pounds; a spoken promise was as good as a written contract to these gentlemen! John Rutledge's fee was 100 guineas. The following day the great merchant, Henry Laurens, retained John Rutledge to handle all the legalities of his

shipping business at 450 pounds a year. The date was 12 November 1761.

John Rutledge handled eleven cases during his first year of practice, losing only one. The following year he had 22% of all the legal cases in the province and lost none. The succeeding year he handled 26½% of all the legal cases in South Carolina although there were thirty practicing lawyers in the Province. An amazing record!

In May 1763 John Rutledge married Elizabeth Grimke of a third generation French Huguenot family. The couple were married by the Rector of St. Phillips in a private ceremony, avoiding the social activities which usually accompanied such an important marriage. They moved into their newly-built home at 116 Broad Street in November 1763.

John Rutledge was appointed Attorney General of the Province of South Carolina in 1764 by his great uncle, Thomas Boone, the Governor, acting on behalf of the King.

Governor Boone had arrived in South Carolina in 1761 with his wife and children. Social protocol required that the leading citizens entertain the Governor and his wife. In 1762 Mrs. Boone left the Province with her children and did not return. It was soon noted that the Governor had a lady who was not a relative unofficially entertaining in his behalf. The leaders of society pointedly neglected to return the hospitality of the Governor. This situation became such a thorn in the Governor's side that he determined to show his displeasure by refusing to hear the oath of Christopher Gadsden when that gentleman appeared to be sworn into membership in the Commons House of Assembly. Boone's excuse was that the Vestry of St. Paul's Parish, which had elected Gadsden, had not taken the necessary oath before the election. Whereupon St. Paul's Parish held another election, as they were advised to do by Attorney General John Rutledge, resulting in the election of the same Christopher Gadsden. At the next meeting of the Commons House of Assembly, Governor Boone was again asked to administer the Oath of Office and he again refused. When John Rutledge pointed out to him that as free Englishmen, each Parish had the sole right to determine the qualifications of its representative, Governor Boone dismissed the Assembly. They left the building and reconvened beneath the Liberty Oak. Naturally, when the Governor sent his bills to the Treasurer of the Commons House of Assembly, they were left unpaid. Dr. Ramsay notes that "John Rutledge's questioning the authority of Governor Boone was the initial spark which began the Revolution in South Carolina. Governor Boone wrote official letters of complaint about the province. John Rutledge had his legal friends in England argue the people's case there. The Governor was instructed to exhibit patience since the province was annually shipping rice, indigo, hides and other goods valued at a million pounds to England.

Another situation developed while John Rutledge was Attorney General of South Carolina. Chief Justice Skinner took off his periwig and drank alcoholic beverages while John Rutledge argued a case. This was an unusual case: sub-overseer, Jared Mangin, had been twice fired by previous employers because of his actions concerning female slaves. Margin had now confronted the slave, Deborah, before both white and black witnesses and when she refused his attention, he

clubbed her to death. The Attorney General determined that Mangin should be punished for his actions and found the Chief Justice's lack of decorum in Court was repulsive. Jared Mangin was found guilty and hanged for his behavior; the Chief Justice jeered the white people at the hanging. It took John Rutledge three years to find a legal way to rid the colony of Chief Justice Skinner.

Christopher Gadsden's daughter had married John Rutledge's brother in 1767. Gadsden was one of the early Liberty Boys and took every opportunity to denounce the upcountry people, dubbed "Regulators" since they took the law into their own hands, settling disputes by force. There were no parishes in the upcountry of South Carolina, so they were not represented in the Commons House of Assembly. John Rutledge recommended to Christopher Gadsden that he request the Governor to remove Chief Justice Skinner since he was not maintaining law and order in the province. Thus ended the reign of this Chief Justice. The upcountry people had an opportunity to settle their disputes when John Rutledge was appointed their Chief Magistrate, serving thusly one week of every month from 1767 to 1774.

John Rutledge resigned as Attorney General in March 1765 giving his reason "to make more money for his family." His resignation was actually politically oriented since Massachusetts had written urging South Carolina to join the Northern colonies in the Stamp Act Congress in New York City. After much debate, the Commons House of Assembly decided to send three delegates: Thomas Lynch, a wealthy planter; Christopher Gadsden, representing the artisans; and John Rutledge. Some said, "There go two men and a boy to represent us." John Rutledge was only 26 years old. There were no delegates from Virginia, North Carolina or Georgia. After much debate about the Stamp Act, a motion was made that letters be written to the House of Commons and to the House of Lords giving the opinion of the Colonies. Jonathan Dickinson of Pennsylvania wrote the address to the House of Commons; John Rutledge and Otis of Massachusetts wrote the letter to the House of Lords. South Carolina helped insure the success of the Stamp Act Congress.

When the delegates returned to South Carolina, they learned that the Liberty Boys had searched Henry Laurens' business as well as his home for stamps, trampling the garden at his home. Finding no stamps, they went to Chief Justice Skinner's home. They were received and given punch while the Chief Justice made a toast: "Down with the Stamps!" thus saving his own house and garden. This behavior was shocking to John Rutledge because he always insisted upon law and order.

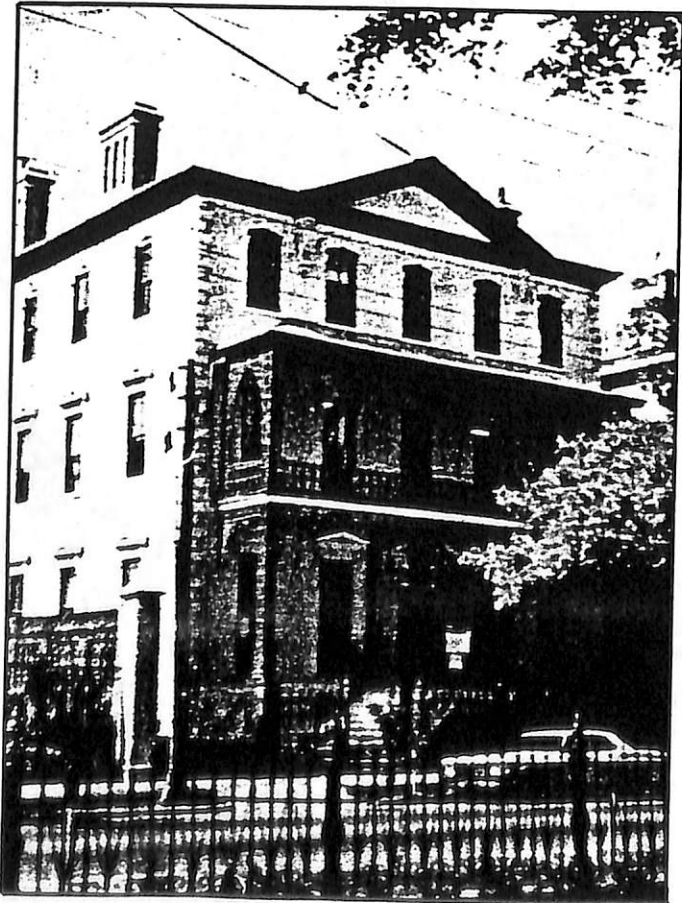
The Liberty Boys continued to revile Great Britain even though the Stamp Act was repealed. Edward and Hugh Rutledge were active in this group, upsetting their elder brother John. However, love of family prevailed over love for the King and John Rutledge resolved to find a way to break free from England within the framework of the law. When the Liberty Boys planned to raid the ships carrying tea, John Rutledge ordered the tea stored near the Exchange Building. This tea was eventually sold to the West Indies following the Declaration of Independence, providing funds to finance the

war. In Massachusetts the tea was dumped uselessly into the sea. Historian George Bancroft said, "Massachusetts sounded the trumpet but South Carolina answered the call."

While John Rutledge was in Beaufort for Court, a courier arrived with news that required his return to Charles Town. A duel had been fought by Delancey, a son of the Royal Governor of New Jersey and a brother of Mrs. Ralph Izard, and Dr. John Haley, one of the Liberty Boys. Delancey was killed. This was a politically dangerous situation since both families were prominent in the province. When the case reached the court, the now Attorney General spent some three hours speaking for Delancey. John Rutledge only spent 12 minutes speaking for his client. Dr. Ramsay says John Rutledge's technique was "to transport us, by some magic, to a distant place, far removed from all feeling of the day. We were all little boys listening to a revered headmaster whose words were eagerly absorbed, so they might be forever treasured. If one would recall these words, they were quoted—they seemed cold with logic and dry with facts but as they were uttered, the voice of the speaker was so charged with feeling and his mouth trembled as if he were on the verge of breaking down with the excess of emotion, that everyone was filled with pathos." His client was acquitted by an all Royal-sympathizing jury and both sides willingly accepted the verdict.

At the time of the First Continental Congress, John Rutledge as the representative of Christ Church and two other Parishes in the Commons House of Assembly in South Carolina, was a natural choice as delegate. In

The John Rutledge House, 116 Broad Street, Charleston, South Carolina.



Philadelphia, he was Chairman of the Committee on Government, such apparently was involved in writing drafts for the Declaration of Independence. Julian Boyd in the *Pennsylvania Historical Quarterly, 1950*, says that John Rutledge's draft of the Declaration of Independence was discussed in the Congress for two days, then the draft by John Dickinson for one day and, as a compromise, Thomas Jefferson was given the task of writing the version which was adopted by Congress.

When John Rutledge returned from Philadelphia, he found that William Henry Drayton, Captain of the Militia of South Carolina, had ordered men to Ninety-Six, to fight the army Kirkland had assembled on order of Governor Campbell in the name of the King. John Rutledge consulted with his client, Henry Laurens, who was President of the Provincial Congress, and persuaded him to send a note to Captain Drayton to bring his troops home. This was done and civil war was averted.

When delegates were chosen for the Second Continental Congress, John Rutledge was one of the six men who represented South Carolina. Again, he was given the Chairmanship of the Committee on Government. He moved that the Congress recommend that South Carolina adopt a Constitution. The motion carried and John's Committee was given the motion to act upon. This time he would be ready for the Liberty Boys when he returned to South Carolina! Upon his return home he found that Drayton had tried to imprison Kirkland for raising the army in Ninety-Six but Kirkland had fled to the ship *Tmar* where Governor Campbell had taken refuge. Shots were exchanged by the Liberty Boys and the British on 7 November 1775. The Governor remained aboard ship in the harbour, abandoning the gubernatorial residence on Meeting Street in Charles Town.

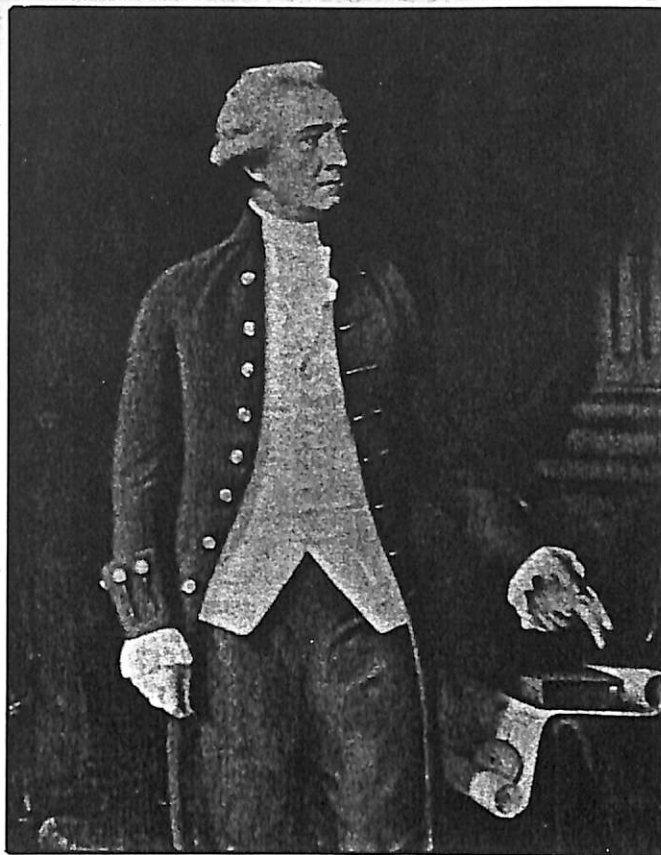
In February 1776 a ship arrived with the news that Great Britain had declared the Colonies to be in a state of rebellion. John Rutledge immediately came forward with the recommendation of the Continental Congress that South Carolina adopt a Constitution for orderly government. He was one of the ten men selected by the Commons House of Assembly to draft the Constitution. Henry Laurens, Thomas Bee and Rawlins Lowndes refused to consider a Constitution. By assuring the Commons House of Assembly that this was only a temporary document until relations with the Mother Country could be smoothed out, Rutledge persuaded that body to adopt the Constitution on 26 March 1776. The document stated that the President of the Colony would be both Chief Executive and Commander-in-Chief of the Army. The General Assembly would be chosen biannually and would be the fount of all government, directly representing the people. The General Assembly would choose out of its own body a Legislative Council. There would be a President, Vice President, and Chief Justice. Ramsay says these offices were filled with John Rutledge, President; Henry Laurens, Vice President; and William Henry Drayton, Chief Justice. Professor Morrison of Harvard University in *Sources and Documents Illustrating the American Revolution*, says, "John Adams wrote to his friend, James Warren of Boston, dated Philadelphia, 22 April 1776; 'The news from South Carolina has aroused and animated all the continent. It has spread a visible joy and if Virginia and

North Carolina should follow the example it will spread through the rest of the colonies like an electric fire.' The Provincial Congress of South Carolina on 26 March 1776 had adopted a Constitution for that colony, elected and set up a Government independent of all royal authorities."

John Rutledge began preparing for war the day he was elected President of the Provincial Congress. He first asked George Washington to send a general officer to South Carolina. General Charles Lee arrived early in June. William Moultrie was ordered by President Rutledge to build a Fort on Sullivan's Island. General Lee called the Fort a slaughter pen and when the 50 ships arrived on June 24, 1776 at Sullivan's Island, Lee commanded Moultrie to evacuate the Fort. President Rutledge ordered Moultrie to obey Lee in everything except the evacuation of Sullivan's Island. This was to be done only on direct command of Rutledge, and he said "I would rather cut off my hand than write the order."

On 28 June 1776 the battle of Sullivan's Island was fought and won by the South Carolina Militia as directed by President Rutledge, almost a week before the Declaration of Independence was signed! General Lee revised his opinion of Colonel William Moultrie's ability and recommended to George Washington that Moultrie be commissioned a general in the Continental Army. It was done.

During the two years John Rutledge served as President of South Carolina, he arranged a settlement with the Indians with the aid of Major Williamson. The Indians agreed to cede to South Carolina the northwest portion of the State which includes present Greenville. When President Rutledge pardoned Cunningham and 13 others involved in the Indian uprising, he made two enemies, William Henry Drayton and the Presbyterian Minister, Dr. William Tennant. The establishment of the Church of England was questioned and at the next meeting of the General Assembly in late 1778, these two men successfully led a movement to change the Constitution and disestablish the Church. John Rutledge immediately resigned as President but took his seat representing Christ Church Parish in the Assembly. Henry Middleton was elected to the newly-established office of Governor but refused to serve. Rawlins Lowndes was elected and served for just a few months when on 11 January 1779 a British fleet appeared off Charles Town. The fleet commander sent a message in courteous but firm words, offering amnesty and peace in return for South Carolina's surrender. Governor Lowndes made no reply and the offer was repeated. Governor Lowndes sought the advice of the Privy Council which in turn asked what John Rutledge thought. Rutledge's advice was to send a message to the fleet commander that South Carolina would not lay down arms. Governor Lowndes resigned as Governor, the job being too strenuous for his nervous system. John Rutledge was elected Governor and Commander-in-Chief of South Carolina, a position he held until the Jacksonborough Assembly in February 1782. John Rutledge commissioned the Militia Generals, Marion, Sumter, and Pickens. He personally raised an army in Orangeburgh of 600 militiamen following the disastrous siege of Savannah. General Prevost was turned back from the gates of Charles Town by Rutledge's masterful ability in coordinating the efforts of the Continental Troops under



John Rutledge, photo from the South Carolina State House, Collection by Richard Taylor.

General Moultrie and Lincoln and the South Carolina Militia.

The letters collected by Historian Gibbes show how jealous these officers were of his efforts. The victories John Rutledge accomplished in planning and directing the campaigns to win South Carolina's freedom were outstanding. Richard Barry in his definitive and powerful biography of John Rutledge suggests that Rutledge directed General Nathanael Greene in his southern battles. The Diary of George Washington proves this to be true. There is a letter from John Rutledge to George Washington requesting an army for liberating South Carolina; Washington's answer was that John Rutledge should himself recruit such an army in Virginia, Maryland and North Carolina. Another letter from Congressman John Mathews, John Rutledge's brother-in-law, to George Washington requested that General Greene be sent to South Carolina. George Washington's reply was, "You may have your General Greene but what can a general do without an Army?" John Rutledge recruited 5,000 men from neighboring states for General Greene's command. After Charles Town fell on 12 May 1780, Governor Rutledge became in fact the sole government and savior of South Carolina. Ramsay describes better than any other how John Rutledge wrested control from the British. As Commander-in-Chief of South Carolina he directed Generals Sumter and Pickens and their patriot followers. These guerrilla troops intercepted numerous British convoys of provisions, infested their outposts, and harassed their allies with such frequent attacks that the enemy was exhausted. William Moultrie clearly states this in his

autobiography: "It was very fortunate for the province that the Governor was not made a prisoner in town—his presence in the country kept everything alive and gave spirits to the people to have a man of such great abilities, firmness and decision amongst them; he gave commissions; raised new corps; embodied the Militia and went to Philadelphia to solicit reinforcements, he returned and joined the Army; he stayed with them, enforced the laws of the Province, called the legislature, in short, he did everything that could be done for the good of the country."

John Rutledge supervised the guerilla warfare so well that the British under Cornwallis were in fact worn out and whipped in the swamps of South Carolina. In his reports, Cornwallis repeatedly complained that his supply wagons disappeared off the face of the earth as not a sign of men or wagons could be found: "These skirmishes would be of little account in other wars but the fate of America was decided by these—they seemed to be planned." And they were by John Rutledge.

Many American families had partisans who remained loyal to the king. John Rutledge's heroic stature is shown in the speech he made to the 1782 Jacksonborough Assembly. He successfully prevented most retaliation against former loyalists. The Assembly was persuaded to amerce only the property of those exceptionally loyal to the King, those who accepted British protection and those who fought for the British. Rutledge counselled reconciliation and his generous spirit largely prevailed.

John Rutledge was a delegate from South Carolina to the Continental Congress in 1782-83, rendering extremely valuable help to the United States in collecting unpaid pledges to the federal Government. South Carolina overpaid her own pledge. Henry Laurens, President of the Continental Congress, and John Rutledge, Governor of South Carolina, gave generously of their own personal resources to finance the war. Laurens was imprisoned in the Tower of London for 18 months and personally gave 40,000 guineas to the war effort. But John Rutledge gave everything he had. He was an enormously wealthy lawyer at the onset of the war but when he died, he had little to leave his children but the felicitous knowledge that their father was indeed a father to his State and Country.

John Rutledge served as Judge of the Court of Chancery of South Carolina 1784-1791. He was Chairman of the Congressional Committee to draft the Constitution of the United States in 1787. He led the movement for

its ratification in South Carolina in 1788. In 1789-1791 he was first Associate Justice of the Supreme Court of the United States. From 1791 to 1795 he was Chief Justice of the Court of Common Pleas and Sessions of South Carolina. In July 1795 George Washington appointed John Rutledge Chief Justice of the Supreme Court of the United States where he presided over one session. His nomination as Chief Justice was rejected by the Senate because he objected so bitterly to Jay's Treaty, which discriminated unfairly against South Carolina's trade with France and the West Indies. His opposition led Alexander Hamilton to calumnify him with the rumor that John Rutledge "had lost his mind." Partisan historians grasped at political slander and failed to acclaim John Rutledge's true worth and genius. Manifestly, John Rutledge could not have held the high positions of trust in his State had there been any substance to Hamilton's lie. John Rutledge was a member of the South Carolina Assembly from 1778 to 1799. He died in Charles Town July 18, 1800, having given forty of his sixty-one years to the service of South Carolina and the United States of America.

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- I am indebted to Barry for researching Court records in Charleston County Courthouse. His notes gave information from the Philadelphia Public Library of Wilson Papers; Harvard University Library for Professor Morrison's quote of John Adams; his work in Long Island Library for the *Annual Register* (London Magazine); Boyd's article in the *Pennsylvania Historical Quarterly* gave new information about the Declaration of Independence. Gibbes' work gives letters from men during the Revolutionary War.
- Ramsay was in the General Assembly with John Rutledge and Moultrie was Colonel under John Rutledge. George Washington was a contemporary of John Rutledge.

93rd Continental Congress Addition

STATE VICE REGENTS CLUB: Luncheon, Wednesday, April 18, 12:00 p.m., Mayflower Hotel, Chinese Room, \$17.50. Reservations available only before Congress: Mrs. Joe H. Capps, 500 Clayview, Liberty, Mo., 64068. Reservations must be made by April 9, 1984. Send a self-addressed stamped envelope, \$10.00 membership fee for all incoming State Vice Regents. \$2.00 annual dues.

Tennessee: Correct address for reservations before Congress: Mrs. James Strong Hereford, Sr., P. O. Box 87, Kelso, TN 37348.

'State Of Rutledge House Insults Great Man'

NEWS & COURIER 27 Oct. 1987

Last Saturday I took a historical tour of your lovely city, enjoying the houses and gardens. What a shock awaited me when I reached 116 Broad Street, the great house built by John Rutledge in 1763! Window panes are missing, several windows roughly boarded, trees growing at the foot of the stairs. The house is an eye sore, a monument of insult to the great man who held more public service jobs than any other in South Carolina's history.

John Rutledge represented his parish in the Commons House of Assembly from 1761, was Royal Attorney General in 1764-5 under Gov. Boone, was delegate to the Stamp Act Congress 1765, wrote the charter for the College of Charles Town 1770, was delegate to the First and Second Continental Congresses, was President of the Republic of South Carolina 1776-8, was the first governor of South Carolina 1778-1782, commissioning South Carolina's great partisan generals: Francis Marion, Thomas Sumter and Andrew Pickens. In 1787 he was chief of the South Carolina Delegation to the Constitutional Convention wherein he was chairman of the Drafting Committee. He was associate justice of the U.S. Supreme Court 1789-1791, resigning to become chief justice of South Carolina until 1795 when President Washington appointed him chief justice of the U.S. Supreme Court where he served one term until a politicized Senate refused to confirm him. Thereafter he continued to serve in the S.C. General Assembly until his death in 1800.

It was a task to locate his grave in St. Michael's churchyard, a badly-weathered, almost illegible tilting stone.

Surely, Charleston has resources to restore and preserve John Rutledge's home. What about the Preservation Society? Like Julius Caesar, George



Staff photo by Tom Spain

Washington and Francis Marion, John Rutledge has no descendants. His distinguished and unparalleled service to South Carolina and the United States deserves a far better memorial than Charleston has provided.

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Oct. 12, 1987

EDITOR'S NOTE: The John Rutledge House is under conversion from office to residence.

This letter to the Editor managed to get the two Government Agencies to settle the dispute and now John Rutledge house is Rest and Breakfast Inn. I was wrong in saying John Rutledge has no descendants because I have found from some of them since this appeared. I undertook the two year study of this man because I was forced to prove to myself that Richard Barry's Mr. Rutledge of S.C. was well documented. In doing this paper I found the Rutledge families to be one of the outstanding families of early history. I considered Mrs. Sarah Rutledge to be a great lady to have remained sitting at Cornwallis' table while the sons were prisoners and the other would be caught on sight. J.R. gave his name to the street with him at the time.

How a Founder Becomes Forgotten:
John Rutledge, Slavery, and the Jay Treaty

Wythe Holt¹

It is my judgment that John Rutledge is one of the fifteen or twenty most important people in the founding of our nation, one of those characters without whom folks in my part of the country might be speaking Spanish and bending knees to a monarch at this very moment, ranking right up there in the same group with Washington, Hamilton, Jefferson, Madison, John Jay, Edmund Randolph, James Wilson, Gouverneur Morris, Oliver Ellsworth, George Mason, John Witherspoon, and others.

It is also my judgment that John Rutledge has been forgotten --that he is, indeed, a Forgotten Founder. I would argue not only that Rutledge was more important than most of the Forgotten Founders, but also that he has become more forgotten than most of them.

What I mean by this can be explained through a personal example. In Alabama we have counties named Franklin, Washington, Jefferson, Madison, and Monroe, as do most states. We even have a Marshall County, named for the great fourth Chief Justice of the United States. We also have counties named Marion, Sumter, Pickens, and Lowndes, a city named Gadsden, and another which as its inception was named Drayton--all after South Carolinians who

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risked their lives to play parts in the founding of our nation, or their families. But we have no county named Rutledge, for the second Chief Justice of the United States, the most famous South Carolinian of his day. A tiny hamlet is called Rutledge, but it was named for a Civil War hero from Alabama.² John Rutledge is not only forgotten today, he was forgotten by Americans in the early nineteenth century, when most of these names were adopted. The first part of this paper will explain Rutledge's great importance, while the second part will give my judgment about why he has been forgotten.

I

John Rutledge was one of the smartest and most intellectually able of those who founded our government: extremely quick to see the important point in a complex dispute or discussion, able to state that point in clear, even blunt terms, ingenious in his understanding of the depth and breadth of the point, farsighted in his grasp of what the consequences and interconnections might be, eloquent in his presentation and defense of his position. Moreover, Rutledge was a consummate politician if not a diplomat: he knew unerringly where power lay, understood the political and economic interests at stake, was able to horsetrade and swap and cajole and wheedle, and knew or learned about his adversaries so well that he was almost always able to strike a bargain in which

²Virginio O. Foscoe, Place Names in Alabama (Tuscaloosa, Al., The University of Alabama Press, 1989), pp. 60, 145, 77, 89, 95, 92, 91, 133, 110, 87, 61 (Jacksonville originally called Drayton), 121.

all gained but, usually, he gained the most. Finally, Rutledge worked quickly and even impetuously on his task, bowling some over, intimidating others, relentless and single-minded in any quest.³ He "was distinguished ... for his penetrating judgment and decisive will" and was persuasive not by rhetoric or sentiment, but by "the force and earnestness of his own convictions ... and the impression conveyed by his high and dauntless character. ... 'When there was anything to be done, he saw at once, instinctively as it were, the best, often, the only course to be pursued.'"4

The eldest son of the several children of an Irish immigrant doctor--who quickly made good in South Carolina politics thanks to marriage to an heiress and an even more politically astute and successful older brother who was a lawyer--Rutledge lost his father at eleven and began to read law with his uncle at age 15. When the uncle died after two years Rutledge moved his study to the office of James Parsons, the most successful lawyer in the

³By far the best biography of John Rutledge is by my graduate school roommate: James Haw, John and Edward Rutledge of South Carolina (Athens, Ga., The University of Georgia Press, 1997). I know Professor Haw to be an exacting and extremely careful researcher, who never goes beyond his evidence. I have followed Haw's lead to ignore the earlier, frequently unreliable biography, Richard Barry, Mr. Rutledge of South Carolina (New York, Duell, Sloan & Pearce, 1942). Haw's summation of Rutledge's character may be found in John and Edward Rutledge at pp. 275-78, and see also the estimates of him given by his contemporaries and quoted ibid. pp. 15, 66, 177, 202. See also the shrewd estimation of Forrest McDonald, E Pluribus Unum: The Formation of the American Republic 1776-1790 (2d ed., Indianapolis, Liberty/Press, 1979), pp. 289-90.

⁴Henry Flanders, The Lives and Times of The Chief Justices of the Supreme Court of the United States (2 vols., Philadelphia, T&JW Johnson, 1881), I: 477 (quoting an unnamed Rutledge descendant); see also p. 644.

colony. After two more years, and with the financial help of Parsons for a family which was often in debt, Rutledge began study in England, as did a large number of the scions of the South Carolina gentry with whom Rutledge always identified himself. Perhaps unlike most of these young men, however, John Rutledge took his studies very seriously.⁵

Upon his return at age 21, in 1760, Rutledge began a rise to prominence that was meteoric compared with any of his contemporaries, Thomas Jefferson included. Although normally one served an apprenticeship, perhaps of up to three years, he immediately began practicing in all four South Carolina courts. By his second year of practice, at age 23, he had become one of the three busiest lawyers in the colony, and throughout his career at the bar was one of the best-rewarded members of a profession whose fees were strictly regulated according to a statute. His clients "included a number of the most prominent merchants and planters in the colony," including Henry Laurens and Thomas Middleton. He also took work from humbler folks, as we can tell from a list he made in 1778 of many persons who had not paid their bills over the previous 17 years. He invested heavily in land, by 1775 owning more than 30,000 lowcountry acres in plantations and city lots in Charleston, but, surprisingly, "[m]ost of the land that Rutledge acquired was on the South Carolina frontier." Much of the land was purchased for speculation, and left him in debt.⁶

⁵Haw, John and Edward Rutledge, pp. 3-11.

⁶Ibid. pp. 12-17 (quotes from pp. 15, 17).

He was elected to the Commons House of the colony's legislature the year he returned from England, and he served there until 1775, continuing his service in the Provincial Congress until 1776 and in the state legislature thereafter through the end of the 1780s, being elected once more in the late 1790s, just before his death. He had risen to a leadership position by his second session in 1762. By the time he was 26 he was probably the most prominent politician in a state full of gentlemen in politics.⁷ He led the lowcountry faction which dominated the colony, and later the state, firmly identifying himself with a gentrified, aristocratic way of life⁸ and with the institution of slavery which supported that life.⁹ Slavery was, to him, purely a matter of cold economic interest, not a matter of sentiment. As he was to say, in his direct and incisive, blunt fashion when slavery was under attack in the Constitutional Convention: "Religion & humanity had nothing to do with this question--Interest alone is the governing principle of Nations," and, he might have added, of

⁷Ibid. pp. 22-25, 35, 71, 79-81, 182, 196, 221, 260, et passim.

⁸Ibid. pp. 20, 22-23, 66-69, 105-10, 168, 182-97, 275. See also McDonald, E Pluribus Unum, pp. 120, 265; Forrest McDonald, We The People: The Economic Origins of the Constitution (Chicago, University of Chicago Press, 1958), pp. 35, 79, 210.

⁹Haw, John and Edward Rutledge, pp. 202-04, 208, 210-12. Rutledge had during the Revolution consistently refused to consider proposals to arm slaves as troops. See ibid. pp. 122 (Congressional recommendation in 1779, supported by, among others, South Carolinians Daniel Huger, Henry Laurens, and William Henry Drayton), 131-32 (suggestion in 1780 of General Benjamin Lincoln, defending Charleston), 165 (suggestion in 1782 of Rutledge's friend General Nathanael Greene, defending South Carolina).

people; "the people of [N.C., S.C., and Georgia] will never be such fools as to give up so important an interest."¹⁰

He also stoutly defended the aristocracy against encroachment by any democratic or popular elements, only once in his life coming close to inciting a crowd--and that, as we shall see, to his eternal regret. He denounced the upcountry rebels--the Regulators--as "Beggars," though he did consistently vote to give courts and sheriffs to the South Carolina upcountry, perhaps to make more attractive the land he had there for sale.¹¹ After the slave economy and the power of the gentry it gave life, Rutledge's prime interest was the preservation of its urban seat, Charleston--the beautiful place itself, its situation as capital and entrepot, the aristocratic society it harbored, the expensive, opulent, ostentatious way of life it led.¹²

Although John Rutledge was reluctant to sever formal ties with Great Britain, he was among the foremost in desiring actual rule of the colonies to belong with each colony and its leaders,

¹⁰Max Farrand, ed., The Records of the Federal Convention of 1787 (rev. ed., 4 vols., Yale University Press, New Haven, 1911, 1937 [vol. 3], 1966 [vol. 4]) (all quotations are from Madison's notes), II: 364, 372. Rutledge had earlier flatly avowed that "Property was certainly the principal object of society." Ibid. I: 534.

¹¹Haw, John and Edward Rutledge, pp. 39-40 ("Beggars" quote from p. 40), 182-86, 190-91, 197, 202-06.

¹²The wealthy families of the South Carolina lowcountry lived in magnificent plantation houses "fitted out with furniture, carpeting, silver, and glassware imported from Europe. Most also owned town houses in Charleston, where they maintained a glittering winter social season complete with the latest music, dances, theatrical pieces, and conversation, also imported from Europe." Christopher Collier & James Lincoln Collier, Decision in Philadelphia: The Constitutional Convention of 1787 (New York, Random House, 1986), p. 67.

again primarily for economic reasons.¹³ He consistently defended the privileges of the Commons House, where the gentry ruled and taxed, as against the royal governor and the Legislative Council, which represented the colonialistic policies of Parliament and the King.¹⁴ And when this position led him inexorably to become a rebel, rebel he did.

He was selected the first chief executive of an independent South Carolina, under a new state constitution which, unlike those further north, established a powerful executive office, which was "well suited to Rutledge's energetic style of leadership." Since then, he has been known as Dictator John Rutledge. The executive was given a two-year term fully renewable, a veto, a fixed salary, and the ability to act without the consent of a privy council. When planter elements disaffected with Rutledge rule allied with upcountry representatives to propose by legislative act a new constitution which eliminated the veto and the fixed salary, limited a governor to two terms, gave the legislature the power of impeachment, and made the upper house elective rather than appointive by the lower house, Rutledge vetoed it as tending towards democracy and eliminating what he saw as a necessary voice of the executive in legislation. He then resigned, but was overwhelmingly re-elected (under the new constitution) eleven months later.¹⁵

¹³Ibid. pp. 57, 60-67 (esp. 63), 71-75 (esp. 72)

¹⁴Ibid. pp. 25-28, 35, 50-3, 57.

¹⁵Ibid. pp. 80-83 (quote from p. 83), 105-09, 115-18; Jerome J. Nadelhaft, "South Carolina: A Conservative Revolution," in
(Footnote Continued)

John Rutledge's qualities of leadership were amply demonstrated in his second term, as the British invaded and occupied Charleston and most of South Carolina. He barely escaped capture in the fall of the capital. Though in order to keep intact his beloved city and social order, he had almost surrendered to the British out of pique and despair at the shabby support his state had been given by the beleaguered national government, once in exile in North Carolina he proposed and directed military action, lived with the continental army in the South, traveled twice to Philadelphia and otherwise insistently badgered Congress for help, advocated severe and awful punishment of the British and Loyalists, and in general presented a splendid model of stout resistance and unalterable opposition to British rule. As soon as possible, in early 1782, he re-erected South Carolina's elected government as the best means of rallying the people to support of the union, and passed the governorship on to a protege, John Mathews.¹⁶

Rutledge did not resume the practice of law, but in March 1784 was selected one of the three judges of the Court of Chancery. As he had done as a legislator and as chief executive, Rutledge performed brilliantly in the judiciary. Indeed, one of his contemporaries, David Ramsay, said that Rutledge was "most at

(Footnote Continued)

Patrick T. Conley & John P. Kaminsky, eds., The Constitution and the States: The Role of the Original Thirteen States in the Framing and Adoption of the Federal Constitution (Madison, Wisc., Madison House, 1988), pp. 159-62; Gordon Wood, Creation of the American Republic 1776-1787 (paperback ed., New York, W.W. Norton, 1972), p. 207.

¹⁶Haw, John and Edward Rutledge, pp. 118-42, 145-66.

home" as a judge, because "[h]is knowledge of the law was profound; but the talent which preeminently fitted him for dispensing justice was a comprehensive mind, which could at once take into view all the bearings and relations of a complicated case." Ramsey also praised the clarity of Rutledge's opinions.¹⁷

In 1791 the South Carolina legislature increased the number of judges of the Court of Common Pleas and General Sessions from four to five, by filling the office of Chief Justice, vacant for twelve years. John Rutledge was then elected to the position, the highest judicial honor his fellow citizens could bestow upon him. And though he was now increasingly infirm with the gout, other physical ailments, and sometimes fits of depression--to say nothing of the hostility often exhibited by upcountry grand juries--which made the circuit-riding duties attached to this position onerous, he performed quite well here too.¹⁸

Rutledge was also an important national figure. He was the youngest person who served in the Stamp Act Congress in New York City in 1765, and upon the establishment of the Continental Congress in 1774, Rutledge led the South Carolina delegation and was thereafter the state's representative in Congress almost any time he wished, serving with distinction and meeting many of the national figures with whom he helped to establish a new national government and to give it life.¹⁹ In Congress also he was a

¹⁷Ibid. pp. 176-77 (Ramsay quoted on p. 177); Flanders, Lives of Chief Justices, p. 600.

¹⁸Haw, John and Edward Rutledge, pp. 224-27.

¹⁹Ibid. pp. 29-32, 60-67, 71-75, 168-74.

reluctant but determined revolutionary, always a dealmaker rather than a figure in the public eye, and saw service on an inordinate number of committees--which, since they were elected, was the real mark of his colleagues' esteem. There others accurately assessed him, each from his own particular perspective. Patrick Henry thought him too conservative but found his eloquence worthy of note; John Adams, of prickly opinion and a frequent adversary of Rutledge, found in him an "Air of Reserve, Design, and Cunning" and, like others, gave him low marks in eloquence because of the rapidity with which he spoke; and Silas Deane observed that he was "ingenious, but impetuous."²⁰ Returning to Congress in 1782 after his gubernatorial terms, he once again emerged as a leader. He declined congressional appointments to sit as judge in two of the land disputes that plagued the nation in the 1780s--the Wyoming lands controversy between Pennsylvania and Connecticut, and the boundary dispute between New York and Connecticut.²¹ He left Congress at the end of 1783, reasonably satisfied with the new government.

²⁰Adams, Henry, and Deane are quoted in *ibid.* p. 62. Joseph Galloway of Pennsylvania found that Rutledge "has looked into the Arguments on both Sides more fully than any I have met with, and seems to be aware of all the Consequences" *Ibid.* William Pierce, delegate to the Constitutional Convention from Georgia, and Alexander Garden, a South Carolina contemporary, echoed Adams' notation of Rutledge's speech pattern: (in Garden's words) "the eloquence of John Rutledge was as a rapid torrent." Garden's 1822 observation is quoted in *ibid.* p. 276; Pierce is in Farrand, Records, III: 96.

²¹Haw, John and Edward Rutledge, pp. 169, 175; Willam Garrot Brown, The Life of Oliver Ellsworth (New York, Macmillan, 1905), pp. 86-91 (in 1782-83, Rutledge joined in Congressional leadership with Madison, Hamilton, James Wilson, and Oliver Ellsworth, whose "names appear again and again whenever really important subjects are dealt with": p. 86).

Within three years, however, that judgment had changed. John Rutledge had long supported national power over international commerce, a position favored by his mercantile clientele, though with reservations about possible Congressional damage to South Carolina interests such as the slave trade. The Revolutionary experience had demonstrated the state's vulnerability to native American attacks and foreign invasion. The refusal of one or two states to grant Congress impost duties, and thus an independent treasury, showed additional weakness in the national government. The straw that broke the camel's back was the way in which newly democratic state legislatures dealt with the war-induced depression that characterized the 1780s and the consequent need felt by the poor for more money in circulation and for relief from debt: debtor elements frequently gained control, leading to paper money, the closure of courts to debt suits, installment laws, and other anticommercial inflationary measures. In South Carolina this was coupled with the constant pressure from the upcountry for more democracy, threatening low-country planter control. Shays' Rebellion in Massachusetts seemed to show what might happen everywhere. These events seemed to mean the failure of the Revolution, and only a stronger national government composed of gentlemen might remedy the difficulty.²²

To accomplish a strengthening the central government, representatives from most of the States assembled in Philadelphia in the late spring of 1787. John Rutledge headed a South

²²Haw, John and Edward Rutledge, pp. 182-202; McDonald, We The People, pp. 204-16.

Carolina delegation of four wealthy planters, and once again he emerged as an important leader of his country. In some ways his aristocratic policies failed of adoption: he urged property qualifications for national officials, no pay for members of Congress, and state representation in Congress proportional to wealth, to ensure that property and gentlemen of property would control. He was slightly more successful in his efforts to insulate national officials from direct responsibility to the electorate in order to resist "the popular clamors that he believed had forced so much bad state legislation in the 1780s."²³

On other measures, however, Rutledge achieved most of what he wanted. Along with others from the Deep South he promoted and defended slavery, threatened to walk from the Convention if Congress were given power over it, and achieved much in support of that institution, which somewhat embarrassed northerners were forced to concede.²⁴ He desired a strong national government,

²³Haw, John and Edward Rutledge, pp. 201-09, 211 (quote from p. 202).

²⁴Ibid. pp. 208, 210-12; Farrand, Records, II: 364 (Rutledge: "[T]he true question at present is whether the Southn. States shall or shall not be parties to the Union."); Paul Finkelman, "Slavery and the Constitutional Convention: Making a Covenant With Death," in Richard Beeman et al., eds., Beyond Confederation: Origins of the Constitution and American National Identity (Chapel Hill, University of North Carolina Press, 1987), at 188-225 (esp. pp. 196-97, 213-16, 223); Robert M. Weir, "South Carolina: Slavery and the Structure of the Union," in Michael Allen Gillespie & Michael Lienesch, eds., Ratifying the Constitution (Lawrence, Kansas, University Press of Kansas, 1989), at 201-34 (esp. pp. 209-13).

with an executive and judiciary,²⁵ with powers of the sword and the purse, and with full control of international commerce so long as that control did not damage southern interests in slavery and unrestricted exports. Nevertheless his was one of the most powerful and persuasive voices which led to rejection of the broad undefined central control advocated by James Madison, James Wilson, Alexander Hamilton, and others, in favor of enumerated powers for Congress and the new federal courts.²⁶ Somewhat ironically, the moderate nationalist John Rutledge's contributions to the Constitution provide much of the basis for those (Jeffersonians, Jacksonians, today's so-called Federalists, and other states-righters) who have contended that the national government is not clearly the dominant part of a centralized union, with broad and expansive powers, but is restricted to the exercise of those particular, limited authorities specifically mentioned, a confederate result of compact among the states. Oliver Ellsworth of Connecticut, coincidentally his successor as third Chief Justice of the United States and another leading

²⁵He wanted only one federal court, a Supreme Court, believing "the right to appeal" to it "sufficient to secure the national rights & uniformity of Judgmts." Any larger federal court structure, he believed, would "mak[e] an unnecessary encroachment on the jurisdiction of the States." Farrand, Records, I: 124. The Convention, however, made a lower federal court structure optional with Congress.

²⁶Ibid. I: 53, 124, II: 17, 390-91, 449-53; Collier & Collier, Decision, pp. 146-49, 166-76; Haw, John and Edward Rutledge, pp. 63, 202-03, 210-11.

figure at the Convention, in about 1800 listed Rutledge as one of the six most influential delegates.²⁷

His influence can be best seen by looking to two significant features of the Convention. First, Rutledge was elected by his colleagues to chair the Committee of Detail which, in two weeks' hard work at the end of July, brought forth a draft constitution out of the Convention's varied resolutions debated and adopted since May, plus the plans submitted by Edmund Randolph, William Paterson, and South Carolina's Charles Pinckney. While thoughtful drafting work by Randolph and Wilson accomplished a great deal, it is clear that much fine tuning was accomplished in committee debate,²⁸ and it is likely that Rutledge led those

²⁷Farrand, Records, III: 396-97, a judgment joined in by Clinton Rossiter, 1787: The Grand Convention (New York, Macmillan, 1966), p. 214. Ellsworth's modern biographer, Professor William R. Casto, has told me that the statement printed in Farrand must have been made to his son when Chief Justice Ellsworth was special ambassador to France in 1800, and the son was his secretary.

²⁸The usual story of the work of the Committee on Detail is that Randolph was assigned to make a first draft, which was then debated in committee, amendments being inserted in the hand of the chair (Rutledge). The task of a second draft was then given to Wilson, after which there was more debate and amendment in committee (inserted again in Rutledge's hand). See, e.g., Rossiter, 1787, p. 179; Haw, John and Edward Rutledge, p. 210.

This is a plausible scenario, but it leaves unanswered some questions, such as the existence of notes made by Wilson toward a first draft of a constitution, Farrand, Records, II: 150-52--why would Randolph then be assigned the task of completing the first draft? Another problem is the incompleteness of what under the usual story is supposed to be the "second draft," Wilson's supposed recasting of Randolph's first draft, see ibid. II: 152-57, 159-63--why would it omit both provisions for the executive and the judiciary, and an enumeration of Congressional powers, all of which are in Randolph's draft? A third is the absence of any emendations in Rutledge's hand to this "second draft," which seems clearly to be Wilson's attempt to follow through on his own instructions to himself to create a draft constitution, see ibid.

(Footnote Continued)

committee members who insisted on the enumeration of Congressional and judicial powers, rejecting the broad general language of the Convention's resolutions on these matters consistent with Rutledge's demands for specific enumeration made earlier on the convention floor.²⁹ Amendments to these drafts in Rutledge's hand introduced for the first time to the Constitution (among other items) the word "necessary" in the necessary-and-proper clause, the restriction against states' making anything but hard money a tender for debts, and the jurisdiction of the federal

(Footnote Continued)

II: 152-57, 159-63. It seems more plausible to me that both Randolph and Wilson volunteered to attempt drafts of a constitution, that Randolph's draft was emended by Rutledge either in consultation between the two of them or, less likely, as a result of committee action, that both the Randolph draft and Wilson's first draft were then given to Wilson to make a final draft, which (*ibid.* II: 163-75) contains all of the matters mentioned above as omitted from Wilson's earlier draft, and which was then debated and amended in committee (using Rutledge's hand) to produce the draft submitted to the Convention (for which see *ibid.* II: 177-89).

²⁹Farrand, Records, I: 53, II: 17 (Rutledge on May 31 and July 16 objects to language giving power to Congress "to legislate in all cases to which the states are incompetent" on grounds that specification was necessary); *ibid.* II: 131-32 (resolution from the floor concerning the legislative powers of Congress, as given to the Committee of Detail, states that Congress would "legislate in all Cases for the general interests of the Union, and also in those Cases to which the States are separately incompetent, or in which the Harmony of the United States may be interrupted by the Exercise of individual Legislation"); *ibid.* II: 132-33 (resolution from the floor concerning the powers of the federal courts, as given to the Committee of Detail, states that it "shall extend to Cases arising under the Laws passed by the general Legislature, and to such other Questions as involve the national Peace and Harmony"); *ibid.* II: 181-83 (report of the Committee of Detail concerning Congressional powers enumerates them, much as in Article I, section 8 of the Constitution); *ibid.* II: 186-87 (report of the Committee of Detail concerning federal court jurisdiction enumerates it, almost exactly as in Article III, section 2 of the Constitution).

courts over suits against a State by a citizen of another state³⁰ which gave rise to Chisholm v. Georgia,³¹ which upheld such jurisdiction, and the Eleventh Amendment, which eliminated it.

The Convention's success resulted not only from the Great Compromise, in which the South gained representation based in part upon slaves and the small states gained equality of representation in the Senate,³² but also upon several other compromises. Rutledge was influential in breaking the ice towards the making of the most important of these--the one which historian Paul Finkelman calls "the dirty compromise"³³--persuading his old Congressional friends from Connecticut, William Samuel Johnson and the antislavery advocates Roger Sherman and Oliver Ellsworth, to ally with South Carolina. The details of the compromise were worked out on the floor, and delegates from other states had to be added; but eventually the allies prevented Congress from ending the slave trade before 1808, and from taxing exports (in which both states were vitally interested), in return for concessions to the northern states on representation, for prohibition

³⁰Farrand, Records, II: 144, 147. As discussed in footnote 28, these may have been Rutledge's suggestions, they may have originated in discussion between Rutledge and Edmund Randolph, they may have eventuated from committee debate and vote, or some combination of these possibilities.

³¹2 U.S. (2 Dall.) 419 (1793).

³²The Great Compromise is felicitously discussed in William R. Casto, Oliver Ellsworth and the Creation of the Federal Republic (New York, Second Circuit Committee on History and Commemorative Events, 1997), pp. 38-48. See also, e.g., Richard B. Morris, The Forging of the Constitution 1781-1789 (New York, Harper & Row, 1987), pp. 281-83.

³³Finkelman, "A Covenant With Death," p. 214.

of slavery and protection of Eastern land speculator interests in the Northwest Territory by the last Continental Congress then simultaneously sitting in New York, and for elimination of a supermajority requirement for the passage of laws regulating commerce. The astonishing sight of abolitionist Connecticut vocally supporting the South on slavery after about August 15 revealed, among other things, the power of Rutledge as backstage broker and wheeler-dealer par excellence.³⁴

When the new government of the United States was instituted, Rutledge's friends sought for him the position of Chief Justice of the United States, and he was probably the most qualified of

³⁴In Convention debate on August 29, Charles Cotesworth Pinckney of South Carolina stated the existence of the arrangement, when he receded from his demand that the Congress be given "no regulation of commerce," because the needs of the East (New England) in having such regulatory power had been made more important to him by the "liberal conduct" of New England delegates "toward the views of South Carolina." Madison appended a note at this point: "He meant the permission to import slaves. An understanding on the two subjects of navigation [commerce] and slavery had taken place between those two parts of the Union" Farrand, Records, II: 449. It was confirmed by Convention delegate Luther Martin, who opposed both slavery and the compromise. Luther Martin, "The Genuine Information . . .," in Herbert J. Storing, ed., The Complete Anti-Federalist (7 vols., Chicago, University of Chicago Press, 1981), II: 60-61. Good treatments of this understanding may be found in Finkelman, "A Covenant With Death," pp. 205, 211, 213-22; Collier & Collier, Decision, pp. 146-76 (emphasizing the importance of Rutledge and the South Carolinians); Staughton Lynd, Class Conflict, Slavery, and the United States Constitution (Indianapolis, Bobbs-Merrill, 1967), pp. 185-213. The degree of Rutledge's participation in achieving the understanding will never be precisely known, and while I do not take the strong position of Forrest McDonald, E Pluribus Unum, pp. 286-302 (which he himself has backed down from, Forrest McDonald, Novus Ordo Seclorum: The Intellectual Origins of the Constitution [Lawrence, Kansas, University Press of Kansas, 1985], p. 237 n.42), I agree with McDonald that it was entirely in keeping with Rutledge's forceful character, clearheadedness, and contacts that he would have been a leader in the deal, and that no other South Carolinian would have been likely to do so.

those who were considered. President Washington, however, valued the services of John Jay of New York and tendered him the position, offering to Rutledge the place of senior Associate Justice. John Rutledge overcame his wounded pride and, in the interests of national unity and out of respect for the President, resigned his Chancery judgeship in South Carolina to accept.³⁵

His tenure was short. He was able to attend the Court in New York and Philadelphia only once before his resignation in March 1791, and an unfortunate and severe attack of gout then prevented his actually sitting. At the time, Supreme Court Justices also rode circuit to try cases, an arduous task in the undeveloped vast spaces of the southern United States, and while Rutledge participated in the Georgia circuit in at least one case that was to become important, the traveling wore him out, and finally the prestige of the position was unable to compensate him for the slight of his having been passed over for Chief Justice, the imperiousness of John Jay, and the burdens of so much travel. No cases were actually decided by the Supreme Court during this

³⁵George Washington to John Rutledge, Sept. 29, 1789, John Rutledge to George Washington, June 12, 1795, in Maeva Marcus, James Perry, et al., eds., The Documentary History of the Supreme Court of the United States, 1789-1800 (6 vols. to date, New York, Columbia University Press, 1985-), I: 20-21, 94-95; Pierce Butler to Charles Pinckney, Dec. 17, 1789, Pierce Butler Letterbook, Historical Society of Pennsylvania ("Mr. Jay having filled the first Offices under the old Constitution it was impossible to place him in any secondary position."); Richard B. Morris, John Jay the Nation and the Court (Boston, Boston University Press, 1967), p. 42 (Jay was offered either the Chief Justiceship or Secretaryship of State by his "close friend," George Washington); Paine Wingate to Timothy Pickering, Sept. 14, 1789, Ralph Izard to Edward Rutledge, Sept. 26, 1789, John Rutledge to George Washington, Oct. 27, 1789, John Rutledge to Charles Pinckney, Dec. 17, 1789, all in Marcus, Documentary History, I: 660, 668, 22, 684.

period, and when his own State offered him its Chief Justiceship he left at the opportunity.³⁶

The resignation of Jay in the summer of 1795 to become Governor of New York gave him another opportunity, however, and he made his availability known to the President in no uncertain terms. Washington did not hesitate. He named John Rutledge to be the second Chief Justice of the United States on July 1, 1795,

³⁶For the gout and Jay's imperiousness at the August 1790 session of the Court in New York, and for the difficulties of circuit riding in general, see Wythe Holt, "'The Federal Courts Have Enemies in All Who Fear Their Influence on State Objects': The Failure to Abolish Supreme Court Circuit-Riding in the Judiciary Acts of 1792 and 1793," Buffalo Law Review, (1987) 36: 301-40, esp. pp. 311-15.

The important case, which became known as Brailsford v. Spalding in the circuit court and as Georgia v. Brailsford in the Supreme Court (2 Dall. [2 U.S.] 402, 415 [1793], 3 Dall. [3 U.S.] 1 [1794]), was begun at the first term of the Georgia Circuit Court in spring 1790, when Rutledge was among the judges who heard Brailsford swear that he was owed a debt by Spalding. Case papers, Powell et al. v. Spalding, Circuit Court for the District of Georgia, RG 21, Federal Archives Branch, East Point, Georgia. It is highly likely that the important case of Higginson v. Greenwood was begun at the South Carolina Circuit Court in the spring of 1790. See [Newbern] North Carolina Gazette, Dec. 21, 1793, for a report of this case; there are no case files for the federal cases of South Carolina for this period. For his resignation in 1791, see Jacob Read to George Washington, Feb. 10, 1791 (indicating that Rutledge knew early in February of his appointment as Chief Justice of South Carolina), John Rutledge to George Washington, Mar. 5, 1791 (resigning office), both in Marcus, Documentary History, I: 717, 23.

Rutledge did participate as a member of the Supreme Court in one crucial ruling: he returned to New York in September 1790 after a month's visit to New England following the August Supreme Court term--a grand tour with his son John Jr. who had recently returned from an education in Europe--to sign a writ peremptorily transferring a case to the North Carolina federal court from the state courts. The writ was also signed by his Supreme Court colleagues James Wilson and John Blair. When served, the North Carolina state judges refused to honor it, and the first important clash between state and federal court jurisdictions was begun. See Wythe Holt and James R. Perry, "Writs and Rights, 'clashings and animosities': The First Confrontation between Federal and State Jurisdictions," Law and History Review, (1989) 7: 89-120.

issuing a recess appointment since the Senate was not then sitting. Rutledge presided for most of the August 1795 term of the Supreme Court in Philadelphia, writing opinions in two cases, and rode circuit that fall.³⁷ However, due to circumstances to be developed, the Senate refused to confirm him as Chief Justice in December 1795. The national career of this eminent and able man was at an end. He retired into seclusion, emerging to sit briefly once again in the South Carolina legislature before his body gave out and he died in the summer of 1800.

II

As I promised, this is the career of an important Founder. Why has he been forgotten? I think there are three reasons, which I list in ascending order of importance, though the three in some ways interlock and should not be divided apart: first, his personality; second, slavery; and third, the peculiar train of events and circumstances which led the Senate to deny him confirmation as Chief Justice in 1795.

A

A French diplomat described Rutledge in 1788 as "the most eloquent, but the proudest and the most imperious man in the United States." Not only did John Rutledge not suffer fools gladly, but as a thoroughgoing aristocrat he did not suffer those

³⁷John Rutledge to George Washington, June 12, 1795, George Washington to John Rutledge, July 1, 1795, John Rutledge to James Iredell, Aug. 11, 1795, all in Marcus, Documentary History, I: 94-95, 96-97, 779; Haw, John and Edward Rutledge, pp. 245-46, 250-51; John Rutledge to George Washington, Dec. 28, 1795, in Marcus, Documentary History, I: 801.

he considered beneath him either. Often his temper would lash out at those who were too slow to keep up with him, or who did not observe the proper amenities, or "when a subordinate was not doing his duty." His fellow Convention delegate William Pierce of Georgia has left us an appreciation of each member of the body, and by comparing his treatment of Rutledge with those of others one can sense the distance Pierce felt between himself and Rutledge, a feeling not so much of dislike as the reverse of disdain.³⁸

A few anecdotes may give a flavor of Rutledge's hauteur. By 1784, as farmers, artisans, and others began to flex their new political muscle throughout the new states, artisans and their allies had become an important political force in Charleston as the Marine Anti-Britannic Society. William Thompson, a local tavern keeper and a Society member, got embroiled in a petty dispute with Rutledge, who accused Thompson of insolence and said that he would "teach Thompson to treat him with proper respect." In response, Thompson got the newspaper to print that Rutledge's treatment of him was "unsufferable except between a haughty Lordling and his wretched vassal." He then challenged Rutledge to a duel. Rutledge disdained the challenge as from a social inferior and got the South Carolina lower house, of which he was a member, to denominate Thompson's conduct a "gross Insult" and a breach of the privileges of the legislature. When Thompson refused to apologize to Rutledge personally, he was summarily

³⁸Farrand, Records, III: 238 (in French; translation courtesy of Dr. Robert Cargo); Haw, John and Edward Rutledge, p. 277; Farrand, Records, III: 96.

jailed for the remainder of the session and threatened with banishment, to teach the lower orders their lesson.³⁹

When a grand jury in the upcountry made a formal written presentment to him about his tardiness in convening court an hour late, "he is said to have pocketed the document" and to have stated in no uncertain terms to the jury: "Gentlemen, I would have you to know that it is never 10 o'clock till I am in Court." If his associates "could not or would not see a point of view that he had clearly explained and supported, 'he would turn on them with a Jupiter look, and break forth, with a power and eloquence, that carried' them along. ... On the bench, he was fair and dignified, but there was never any doubt who was in charge of Rutledge's courtroom." And his own brother Edward, who was milder and more conciliatory and who shouldered a large amount of John Rutledge's crushing debts, wrote in 1798, "I have been told so peremp[t]orily that my opinion would never be acceptable, unless it was asked, that I have for some time past imposed a painful Silence upon myself."⁴⁰ Neither snobbery nor imperiousness tends to make a person memorable or beloved by his fellow citizens.

B

A more important factor was the institution of slavery, which negatively affected Rutledge's subsequent reputation in two

³⁹I have combined the accounts of the Thompson affair in Haw, John and Edward Rutledge, pp. 184-86 (quotes are from p. 185), and McDonald, E Pluribus Unum, pp. 120-21; see also Wood, Creation of the Republic, pp. 367, 483.

⁴⁰Haw, John and Edward Rutledge, pp. 225 (source of first quote), 277 (source of second quotes), 260 (source of third quote).

important ways. First, and most obvious, he was the eloquent leader of the proslavery forces in the Convention. His clarity and bluntness of speech, plus his influential maneuvering which protected much about the institution, made him the symbol of slavery defense both to his antislavery contemporaries and to modern scholars.⁴¹ In this time of revival of the reputations of long-forgotten Founders, it is difficult to advance the cause of such an outspoken, clear, and successful proponent of the evil institution.

Second, more subtly, was the economic system which centered upon slavery. That system, feudal in character rather than commercial, made social prestige a higher value than pure profit, so that it was more important for Southerners like Rutledge to own slaves than to be able to pay for them, and more important to be able to overawe the lesser orders through grand displays of opulence than to balance one's books. Most planters treated debt lightly, many remaining in debt.⁴² Thanks to the economics of the Revolution, which sucked all of the hard money out of the country in a hurry and made it impossible to pay back debts which

⁴¹See footnotes 9, 10, 24, 33, 34 supra and accompanying text.

⁴²This controversial view of the social economics of slavery in the American South is greatly indebted to Eugene Genovese, Roll, Jordan, Roll: The World the Slaves Made (New York, Vintage Books, 1976), pp. 44-46, 296-98; Eugene Genovese, The Political Economy of Slavery (New York, Vintage Books, 1967), pp. 15-23, 28-31, 283; Eugene Genovese, The World the Slaveholders Made (New York, Vintage Books, 1971), pp. 165-74, 184-90. See the general application of these ideas to the American Revolution and its aftermath in Wythe Holt, "'To Establish Justice': Politics, The Judiciary Act of 1789, and the Invention of the Federal Courts," Duke Law Journal, 1989: 1430-37, 1443-49, 1453-58 & nn. 29, 30, 36, 44, 78-81 & 107.

had been owed to British factors for almost a decade (with interest piling up), and thanks to the flow of battle, which left the southern plantation infrastructure devastated and, in many places, slaveless, most planters were in grave debt in 1782 when the Revolution effectively ended.⁴³

John Rutledge not only was no exception, he may have epitomized the debt-ridden situation of the southern slaveowner. His vast holdings had been sequestered to the benefit of the occupiers and pillaged of their slave population by the occupying British. "[I]n 1791, Rutledge unsuccessfully petitioned the legislature for compensation ... for the damages he had suffered under sequestration." In debt before the Revolution despite his huge income, largely due to incessant land speculation and the kind of munificent display necessary in Charleston, he rushed into more debt in 1782 and 1783, at high rates of interest, to re-stock his plantations with slaves and furnishings. Three poor crop years in a row added to his financial miseries. Though he tried mightily to collect what was owed to him, rather than contracting as would a prudent capitalist, Rutledge ventured even further into debt-producing land speculation in an attempt to get out of his difficulties, and "[b]y 1788 [his] financial reputation was slipping. He was reportedly buying back his own bonds at one-third of their face value." The same French diplomat already quoted alleged that Rutledge took "advantage of his great

⁴³Holt, "To Establish Justice," pp. 1436-37, 1445; McDonald, We The People, pp. 204-08; Haw, John and Edward Rutledge, pp. 175-76, 191-92.

influence and of his knowledge as a lawyer so as not to pay his debts, which exceed his fortune by a great deal."⁴⁴

He drew his brother Edward and his oldest son John Jr. into his downward-spiralling course of debt through their generosity, their granting him mortgages, and their standing security for debts or debt extensions. "By 1794 and perhaps earlier, [Rutledge] had to face the fact that his debts were unpayable and all his property might be lost[,] " thereby also losing "the personal independence that every eighteenth-century American gentleman so highly valued." "[T]he Man who plunges into Debt will soon get out of his Depth," John Adams mused to his wife over Rutledge's sad financial situation.⁴⁵ The deaths in 1792 of his mother and his wife, and the increasing infirmities of gout and old age, added to his misery. He sank into depression, perhaps becoming bibulous, and his "public behavior became erratic. One Charlestonian spoke in 1795 of Rutledge's 'mad frolics and inconsistent conduct.'⁴⁶ The debt-ridden economy of slavery, plus his

⁴⁴McDonald, We The People, pp. 79-80, 92; Haw, John and Edward Rutledge, pp. 17, 19, 111-12, 145 (source of first quote), 175, 177-78 (second quote from p. 178); Farrand, Records, III: 238 (in French; translation courtesy of Dr. Robert Cargo).

⁴⁵Haw, John and Edward Rutledge, pp. 230-32, 234-35, 260-62 (quotes from pp. 230, 232); John Adams to Abigail Adams, Dec. 21, 1795, in Marcus, Documentary History, I: 816.

⁴⁶Haw, John and Edward Rutledge, pp. 227, 229, 232 (source of the quote). Haw does not speak of Rutledge's alleged drinking to excess, but see Edmund Randolph to George Washington, Aug. 5, 1795, in Marcus, Documentary History, p. 776. One descendant of Rutledge has perspicaciously suggested to me in private conversation that he may have been bipolar. His impetuous and demanding temperament, his extremities of mood swings, his extraordinary precociousness, his furious and deeply intelligent activity followed a times by languor and despair, his preference
(Footnote Continued)

own characteristically impetuous investing, had led him to the brink of financial and mental disaster. Other Founders who became mired in debt, bankruptcy, and the ensuing public shame attached to such failure have also fared poorly in the historical memories of Americans--for example, the Great Financier, Robert Morris, and Rutledge's colleague on the Supreme Court, James Wilson. And no other prominent Founder suffered madness.

C

Even more important, and the crowning blow, were the events and circumstances leading up to his rejection by the Senate. Rumors of his drinking, his impossible financial situation, and his fits of insanity were on the tongues of his enemies throughout the fall of 1795. But they would not have been enough, indeed, they probably would not have arisen, were it not for a rash speech he gave just as President Washington's offer of the Chief Justiceship was wending its way through the mails to him in the summer of 1795.

His predecessor as Chief Justice, John Jay, had been sent to England to negotiate a fresh treaty, to cover some old wounds and to heal some new ones which seemed to be leading towards war. However, the military and fiscal weakness of the United States joined with British contempt for its former colonies, the widespread expectation abroad that the independence of our nation would be short-lived, and Jay's own personal prejudices--his pro-commercial attitudes, his contempt for the South and for

(Footnote Continued)
for private rather than public enjoyments all seem to support such a diagnosis.

slavery, and an Anglophilism which was greatly aided by assiduous British flattery--to produce a final product in the spring of 1795 that was palpably unfavorable, even embarrassing, to the United States.⁴⁷ President Washington doubted that it should be ratified and kept it secret until the Senate could deal with it.⁴⁸ When its contents were revealed in late June, after the Senate had voted to ratify all but one article by the slimmest of Constitutional margins, public protest erupted throughout the United States. Hamilton was driven from a public podium with stones and Jay was burned and hanged in effigy. The public frenzy was especially strong in the South, where Jay was hated almost as much as were the British because, as Secretary for Foreign Affairs under the Confederation, he had been willing to give up navigation of the Mississippi to the Spanish.⁴⁹

Mobs in Charleston hanged Jay in effigy, burned copies of the treaty and the British flag, assaulted people who publicly approved the treaty, and not only reviled the reputation but damaged the house of Senator Jacob Read who had voted for it. Read's brother wrote, "It was unsafe to open ones mouth on the odious subject unless to abuse the Treaty & the voters for it." A public meeting was called for July 16, to present formal

⁴⁷See Jerald A. Combs, The Jay Treaty (Berkeley, Cal., University of California Press, 1970), pp. ix-x, 14, 103-04, 131-34, 138-58 (esp. 148-58)

⁴⁸Haw, John and Edward Rutledge, pp. 245, 247.

⁴⁹Combs, Jay Treaty, pp. 16-17, 162-63; Forrest McDonald, The Presidency of George Washington ([Lawrence, Kansas,] University Press of Kansas, 1974), pp. 159, 162-63; Brown, Ellsworth, p. 219.

protests to the government, and probably to calm things down and keep full-scale rioting from occurring.⁵⁰

Rutledge disliked Jay, who was also imperious, was an outspoken abolitionist who did not like southerners, and had taken an honor--the Chief Justiceship--he coveted and believed he merited. This feeling was greatly intensified by an incident when they were both on the Court, in August 1790. Rutledge had made the arduous trip to New York for the Court's second session, but became laid up with the gout and could not join the Court for its two days of deliberations. Since there were no cases to hear, this was not a great difficulty. One matter of moment before the Court was procedural, namely, whether there should be rotation of the judges on the three circuits, or whether Justices Rutledge and James Iredell, resident in South and North Carolina respectively, should be forced to ride the brutal Southern Circuit twice yearly during their entire tenure. The judges had decided against rotation during the previous term, but neither Iredell nor Rutledge had attended, so Iredell brought the question to the fore. Jay, of New York, and William Cushing of Massachusetts were comfortable with riding the Eastern Circuit, which included both of their states, while Wilson, of Pennsylvania, was happy to ride the Middle, which included his home. However, John Blair of Virginia, also assigned to the Middle

⁵⁰William Read to Jacob Read, July 21 (source of quote), July 27, 1795, both in Read Family Correspondence, South Carolina Historical Society, William Read to Jacob Read, Oct. 27, 1795, Emmet Collection, New York Public Library ("The violence in opposition to the Treaty seems abated.") (copies of all three letters courtesy of Professor William R. Casto); Haw, John and Edward Rutledge, pp. 247-49.

(which included his home), was willing to vote with Iredell for rotation. Rutledge would also have voted for rotation, and moreover might persuaded his old friend Wilson to join them, but Jay refused to consult with Rutledge even though he was nearby. The imperious Rutledge, furious both at this slight and at having to ride the Southern circuit with his deteriorating health, seems to have had little use for Jay thereafter and resigned from the Court at his earliest opportunity.⁵¹

Rutledge's feelings for Jay probably only colored his speech against the Treaty. His Revolutionary experience had brought him a strong hatred of England, he genuinely disliked what he considered a one-sided and degrading treaty, and his audience was of like mind. He spoke as only John Rutledge could: acerbic, blunt, outraged, almost accusing Jay of treason in bending to the King's wishes (according to one auditor calling Jay "knave or fool", and hinting at bribery), and concluding that "he had rather the President should die, dearly as he loves him, than he should sign the treaty." It was the only time that this aristocrat ever came close to inciting a mob to riot.⁵²

⁵¹James Iredell to Thomas Johnson, Mar. 15, 1792, John Blair to James Iredell, July 25, 1791, both in Marcus, Documentary History, II: 246-48, 196; Holt, "Circuit-Riding," pp. 311-15. In contrast, when Justice Samuel Chase was crippled by gout during the February 1803 term, Chief Justice Marshall moved the whole Court to their hotel so that Chase could attend. See Jean Edward Smith, John Marshall: Definer of a Nation (New York, Henry Holt & Co., 1996), pp. 318, 328.

⁵²William Read to Jacob Read, July 21, 1795, Read Family Correspondence, South Carolina Historical Society ("knave or fool" plus statements about bribery and Washington); South Carolina State Gazette, July 17, 1795, in Marcus, Documentary History, I: 765-67 (story of meeting, plus source of quote about Washington); Haw, John and Edward Rutledge, pp. 248-49.

The first public reaction to the news that the President had appointed the eminent South Carolinian to be Jay's successor as Chief Justice was highly favorable. But, as Rutledge reached Philadelphia for his first and only Court session as Chief, news of his speech began to spread around the nation. The Federalists were aghast. In the weak international situation of the United States, with public protest against Federalist policies on the rise, and with Thomas Jefferson emerging as the leader of a vigorous opposition party, Federalists adopted unquestioning support of the treaty as a political litmus test. Washington signed the treaty in a fit of anger at the supposed duplicity of his Secretary of State, Randolph, but it is not unlikely that he wished also to show the crowds of protesters that they could not set national policy in the streets. And the Federalists began to spread rumors of Rutledge's unfitness for his position, murmuring about drinking and debts, and using his speech against the treaty as evidence of his insanity.⁵³

Rutledge's fits of depression had never impinged upon his exercise of judicial duties as Chief Justice of South Carolina, a job he loved and honored. Indeed, he may have desired the high honor of Chief Justice of the United States in part because he suspected that it would have a signal therapeutic effect upon his mental state. He did a quite creditable job of presiding over a Supreme Court which sat longer than it did in any other August

⁵³William R. Casto, The Supreme Court in the Early Republic (Columbia, South Carolina, University of South Carolina Press, 1995), pp. 90-93; McDonald, George Washington, pp. 164-65; Haw, John and Edward Rutledge, pp. 250, 252-53.

term in the 1790s; his old traveling companion Iredell noted, in a letter to his wife written a day after Rutledge began presiding, that "I very much lament his intemperate expressions in regard to the Treaty, yet altogether no Man likely for the appointment would have been personally more agreeable"; and President Washington invited him to dinner and did not withdraw the appointment. Others who knew Rutledge saw no evidence of mental infirmity. In short, though Rutledge did not alter his opinion of the treaty, he demonstrated no signs of insanity in Philadelphia. The die was cast, however, and no amount of demonstration of Rutledge's fitness or great legal ability would have deterred the Federalist majority in the Senate from voting down his nomination when Congress met in December.⁵⁴

For an aristocrat of the eighteenth century, reputation was all. And the sad business of the Jay Treaty dealt a death blow, however undeserved, to John Rutledge's reputation. It is little wonder, then, that even contemporaries hastened to erase this

⁵⁴Haw, John and Edward Rutledge, pp. 225-27 ("his recorded judicial opinions [from South Carolina] show no sign of mental incapacity or eccentricity ... [h]is attendance at court did not decrease between 1791 and 1795" as he sank into depression: *ibid.* p. 227), 245-46 ("[t]he honor of the office [of Chief Justice of the United States] ... would ... ease a six-year-old disappointment, and give a much-needed boost to the morale of a depressed and troubled man"), 252-56; James Iredell to Hannah Iredell, Aug. 13, 1795, in Marcus, Documentary History, I: 780; [Boston] Columbian Centinel, Sept. 19, 1795, *ibid.*, I: 801 (Rutledge dining with Washington); Pierce Butler to Aedanus Burke, Oct. 10, 1795, Pierce Butler Letterbook, Pennsylvania Historical Society (notes that he saw Rutledge often during the August term, that he "was always collected and proper" and "behaved with great propriety", and that he had not changed his opinion on the Treaty); Ralph Izard to Jacob Read, Nov. 17, 1795, in Marcus, Documentary History, I: 807-08 ("I have frequently been in company with him since his return, & find him totally altered.")).

eminent, even brilliant, Founder from our historical memory. Unfortunately, posterity has been as cruel to him, and, combined with his imperiousness and his support of slavery, has kept him in the category of "forgotten."

D

A weary, ill, and dispirited John Rutledge set out to ride the federal circuit courts in the fall of 1795. Although he had not spoken out, he had heard all of the things that were being said about him, and he was too good a politician not to know what the Senate would do to him.⁵⁵ Being Chief Justice of the United States had not turned out to be therapeutic. Depression flooded back to him, as his unyielding debt situation and resulting sense of loss of dignity and personal independence, his physical infirmities, and his loneliness compounded the psychological trauma of high dishonor he had suffered. At last extreme depression affected his judicial capacity, as "he attempted to attend [the circuit court] in N. Carolina but was so bad that he could not." Immediately thereafter he tried to drown himself, at Camden, South Carolina, causing his family to place a guard upon him when

⁵⁵John Rutledge to George Washington, Dec. 28, 1795, in Marcus, Documentary History, I: 100 (he was fatigued by the South Carolina Circuit Court sitting, and developed "ill Health" thereafter as he traveled to Augusta for the Georgia court; when that court failed for want of judges he set out for the North Carolina court but "was so indisposed on the Road, as to be incapable of reaching it"); William Read to Jacob Read, Nov. 25, 1795, Read Family Correspondence, South Carolina Historical Society (courtesy of Professor William R. Casto) (Rutledge has been "very tacit" and "very retired" since coming back to Charleston; "I fancy he has doubts about his election.").

he returned home.⁵⁶ But Rutledge evaded them, and as dawn broke on the day after Christmas he walked resolutely into the Ashley River in a second suicide attempt. With supreme irony, his life was saved by some slaves on a passing boat who pulled him from the water despite his loud but rational protests that he wished to die. He was embarrassed and depressed, not insane, and he wrote a lucid if sad letter of resignation to Washington on December 28.⁵⁷ News of the Senate's rejection had not yet reached him.

He lived out his remaining days relatively quietly, broken, dishonored, and often secluded,⁵⁸ seeming to accept that he was to be forgotten.

⁵⁶John Adams to Abigail Adams, Dec. 21, 1795 (first-hand information from George Walton, arriving Senator from Georgia who had visited Rutledge's house in Charleston on the way, who reported that depression had prevented his attendance in North Carolina and said, in Adams' words, that "he even attempted to make way with himself"), [Boston] Columbian Centinel, Jan. 6, 1796 (from a Southern newspaper it was learned that "Judge Rutledge is so disordered in his intellects, as to render it necessary to have him constantly guarded, he having threatened and even attempted his own destruction"), both in Marcus, Documentary History, I: 816, 824.

⁵⁷Benjamin Moodie to Jacob Read, Dec. 29, 1795, Emmet Collection, New York Public Library (courtesy of Professor William R. Casto) ("on the morning of the 26th I am credibly informed that he made an attempt to drown himself"); William Read to Jacob Read, Dec. 29, 1795, in Marcus, Documentary History, I: 820-21 (recounting the second suicide attempt and rescue in detail, noting that he had been seen walking into the water, fully clothed, until it went over his head, that he had been pulled him from the river with a boat hook by slaves despite his protestations and verbal abuse, that he "was prodigiously agitated, and shook with cold and perhaps shame," and that Rutledge had told his saviors that he had a right to die, that "he had long been a Judge & he knew no Law that forbid a man to take away his own life"); Haw, John and Edward Rutledge, pp. 256-58.

⁵⁸Rutledge secluded himself at home thereafter such that he
(Footnote Continued)

(Footnote Continued)

did not even see some members of his family for thirty months or so. He emerged, suddenly, when his old Supreme Court friend James Iredell rode the Southern Circuit in the spring of 1798. Rutledge entertained Iredell, seemed to him "perfectly recovered, and in such high spirits that he and another Gentleman and myself outsat all the rest of the Company at a Friend's house till near 11 o'clock," and thereafter was less secluded. James Iredell to Hannah Iredell, May 11-12, 1798, May 18-19, 1798, in Marcus, Documentary History, III: 264-65, 272-73.

Genl.

Piquetannah Ferry
Tuesday Night

Col. Louf will give you the Particulars of Genl. Gates's defeat, near Camden, & on the acct. of every thing w^{ch} you may desire to be informed of, relative to his M^{or} previous to that Affair — I hope you & other Genl. will not be so ready, for the future, to believe such intelligence as they & some of our people have been amused with, for some time past, relative to the Force of the Southern Army, & its Successes — for my part, I shall never believe any material good

News from the Northward, which it could
have you, & you may be misinformed, as to

To Green Collection
Shamp acc Congress
from Rutledge

any from the Southward, unless you hear
from Gen. Gates or myself - I shall proceed
to Hillsborough, where I may probably meet
the No. Carolina Assembly, & try what can
be done - but, at present, ~~our~~ prospect is truly
gloomy - We must not, however, despair, tho' at
present, I do not see how we are to retrieve
our Affairs - but, something may work up - I wish
I could see the probability of our being able to
act offensively, soon - may send on, immediately,
the Army, Ammunition, Waggons, Swords, Pistols,
& Bills - I hope you will press again for the
Maryland Continental Regt - & for some
Corps of Artillery, to be sent, directly to the

The Delegates of S^c. Carolina

Congress

Gen^l. Rutledge
Gates' defeat.
(not dated.)

No. 333

Southward - I shall expect to hear
from you, by Mr. Seaf, who I
suppose will overtake me at
Halifax. - I hope Congress will
recommend to the Legislature of
N^c. Carolina to complete their
List of Continental Troops
immediately - I wish I could
suggest any thing else, which
Congress c^d. do, at present, for
our Relief. I am Gent.

W^m. Rutledge
J. Rutledge

The Delegates of S^c. Carolina in Congress.

Saturday 5 P.M.

Dear Sir

Since my last, I have been
fav^d with yours, of the 20th & 22^d.
Instant — I am sorry that Vice
Comdant did not when last, mention
that Rice w^d be wanted, by the
French Fleet, — on the contrary he
said it would not, otherwise it
certainly might, & sh^d have
been furnished, ever now — However,
the Comdant of Purchases
will send, & I will give every
necessary order for forwarding
supplies of Rice — If the m^{ost}
Vopoles which have been sent
to the Fleet, will go into Board.
— Rivers, Cambates, & Ashops,

Received in confidence from the Comdant of the Fleet, that the
Comdant of the Fleet, has been
fav^d with yours, of the 20th & 22^d.
Instant — I am sorry that Vice
Comdant did not when last, mention
that Rice w^d be wanted, by the
French Fleet, — on the contrary he
said it would not, otherwise it
certainly might, & sh^d have
been furnished, ever now — However,
the Comdant of Purchases
will send, & I will give every
necessary order for forwarding
supplies of Rice — If the m^{ost}
Vopoles which have been sent
to the Fleet, will go into Board.
— Rivers, Cambates, & Ashops,

Received

20th Dec 1757

John M. Smith
Collection

I expect, very soon, to hear of the reduction
of Savannah - I still think the Enemy only
wishes to put on a good face, for a while
but that, they will surrender, before
Storm is attempted - From a heavy firing,
which was heard Yesterday Morning, People
imagined that Town was attacked, & taken
when the firing ceased - But, this affair
proves to be the capture of the Experiment,
of which we recd. Intelligence, a few days
ago - I fear the General will not be pre-
pared or to wait, for an Attack on St.
Augustine - I request, however, to hear
as soon as possible, for my own satisfaction,

and solely for my own information,
what has passed, or may be
reported, on that Head —

I have not heard of any such
Plundering, on the Islands, or
your Letter of the 22^d inst. being
certain it is, no Commission
to Privateers such as
last, which, if perpetrated, is
punishable by our Law.
I am with great regards
Yours

Yr. most obed. Serv^t

J. R. Hedges

Wm. Lincoln

Chas. Town June 6. 1777.

Gentlemen.

This will be delivered to you, by the Vice-President, and, as he can give you the fullest Information, respecting the late Cherokee-Treaty, (of which he has a Copy,) the intended Congress with the Letters - our Intelligence from Georgia & the valuable Prize lately taken by the Land, as well as every thing else that worth your knowing, I will refer you to him, instead of troubling you with a Relation of these Matters.

I am much obliged, by your Attention, to the several Points which I recommended to your Notice.

I was in hopes, that our Accounts would have been finished, so that the Vice-President might have carried ours to the Congress, but, the Committee have not been so diligent, as I expected.

Dear collection to be given to the Congress of 1777 in Congress
At 10 o'clock

I presume, however, the accounts will
be ready, to be sent, & if they are, they
shall be, by Col. John Pickens, who will
set off for Philadelphia, the beginning
of next month.

Harmanus Birk is pleased to your
credit, by the Treasurer.
The mercantile committee applied for
the purchase of the Antons, guns &
sables, but, they were judged useful
for ourselves.

With respect to the Antons & sables
taken up by Biddle, it was thought
no bad offer, to allow him half, for getting
them up, or rather, to let him get them up,
or agreeing to pay us, half their value.

I shall endeavor to procure, from
St. Augustine, the Gentlemen mentioned
in Dr. Burkes Memorial.

I laid Proctors Memorial, before

with
they
will
income

The Council who were of opinion with
me, that it would be best to refer it, to
an Delegates at Congress, with Instructions
to pay him, what they think reasonable,
after investigating his Claims, which they
can do, better than we could.

may inform me, what the new
Establishment of your Artillery is, as to
Pay &c. & whether it extends to our ~~Third~~
Fourth Regiment, or does that remain
on its original footing.

I thank you for the Intelligence
with which you have favoured me
from time to time, & request that you
will continue, to give me the earliest
of all material News.

I am with great esteem, & Respect,
Yr. Servant

Wm. H. Hedges

Arthur Middleton & Geo. Heyward Esqrs.

Chas. Towne June 30th 1777

Gentlemen:

I have desired the Commissioners
of the Navy to apply to you, in
order to procure Workmen, for the
Publick Shipyard.

They will write to you,
fully on the Subject, & I request,
that you will be pleased to attend
to it, & endeavor to get the Men
engaged, & sent hither, with the
utmost Dispatch.

I am

Yours
Yr. obed. Servant
L. Rutledge

The Delegates for Carolina at the Congress.

D. Si

Cha. Town Feb. 16. 1778

You must have so long expected the Board, that I suppose, ere now, you gave over all Thoughts of ever seeing him again — He was a great while detained, by Mr. Attorney-General — since he allowed him to depart, I have kept him, thinking that the Assembly & Legislative Council would have determined on the Articles of Confederation, much sooner than they did — I now send the Attorney General's Dispatch, relative to Arthur's Case, whose Appeal I suppose cannot have been determined, as such Determination w. be ex parte — By the inclosed Papers, you will perceive, that several Amendments are proposed, by the Assembly & Legislative Council, to the Articles sent from Congress, that an Delegate and empowered to ratify a Confederation,

but, that, they are instructed, to use
their utmost Endeavours, to get the
Allocations proposed by this State, adopted.

The House has been employed, ever since
it's first Meeting, about the Confederation,
& Constitution - The third reading of the
latter is nearly gone thro' in the Assembly,
but, as they & the Legislative Council
differ, widely, in some material Points,
it is impossible to say, what may be
the Event of their Deliberations -

The British Squadron having done much
Damage on our Coast, it was determined,
about the 17th of December, to fit out
some armed Vessels, to act in concert
with the Randolph & Notre Dame,
against them - In order to man these
Vessels, & prevent the Enemy's obtaining
Intelligence, our Ports were shut, till
this Squadron sailed - The Preparations for
the Expedition, (like all our other Vessels)

took up much more time than was expected,
& unfavourable Wind prevented its getting
to Sea, till last Thursday - Indeed is
a List of their Losses, with which, I hope
Capt. Biddle will give a good Account,
of some of the Enormous Vessels.

I asked the Assembly's Leave, for your
Return, & they have given it, when a
Representation shall arrive in Congress -
you are, however, so - obstructed - your Colleague
and Mess^{rs} W. H. Drayton, Tho. Heyward,
Geo. Mathews, & Richard Hutson -

You will have from your other
Correspondents, a particular Account
of the dreadful Fire in this Town, & of
any other material News, heard - Drayton
says, he will set off next Monday, so that,
he will probably be with you, very
soon, after you receive this, & be able to
inform you, of every thing heard, worth knowing,
w^{ch} you may not have heard.

I am with great Esteem

Y^r most obed^t Serv^t
J. Rutledge

The Hon^{ble} Henry Laurens Esq^r.

P. S. I have paid the Board one hundred & eighty
five Continental Dollars. —

July Collection
Box 10

President (R. H. W. G.)
No. 1000
New York

1-10 R. H. W. G.

Philadelphia, Pa.

Ship Capt. Morris - Cap. William 118 - 37 - 12-6-26-9 pd.
 John's - John's - 78 - 16 - 18-4 pd.
 John's - John's - 69 - 20 - 8-4-26-6 pd.
 John's - John's - 74 - 30 - 14-4-27 -
 John's - John's - 118 - 37 - 12-6-26-9 pd.
 John's - John's - 78 - 16 - 18-4 pd.
 John's - John's - 69 - 20 - 8-4-26-6 pd.
 John's - John's - 74 - 30 - 14-4-27 -

Chas. Town April 24. 1779

D. Sir

I thank you for your very polite
 Congratulations on my appointment
 to the Government of this State - Noting
 but the critical Situation of our
 publick Affairs would have induced
 me to accept it - another might
 indeed have retrieved them (perhaps
 better,) However I did not conceive
 myself at Liberty, in such a Con-
 juncture, to repulse the general Wish
 of my Country - We owe the ^{best} Advancement
 of our best Abilities - If
 I can render ^{any} essential Service, I
 shall be happy -
 I am with great Respect & regard

Your Obedient Servant

E. Rutledge

Prutz Collection /
 Case I Box 10

The Hon. Henry Laurens Esq.
 Sir

D. M.

High Hills of Switzer

August 6. 1781.

By Mr. Morris, by whom this will be delivered, can give a satisfactory Account of Matters this Way, & Genl. Green's Dispatches, which he carries, are very full & particular, I will take the Liberty of referring your Excellency to it, to him, & then, instead of troubling you with a long Detail of them —

If the Force which the Minister of France ordered me, (just as I was leaving Philadelphia) would certainly arrive, on the American Coast, by the Middle of this Month, should do so, I flatter myself, that the Reduction of New York will soon be effected, that, you will afford us such Aid

Gratz Collection
Case I. 207. I
to George Washington

as may, with our own Co-operation,
speedily remit the in the possession
of the Town - until that is obtained,
the People of this State will continue
- and to experience greater distresses
than I can describe - I know your
Excellency wants nothing but the
Means of relieving us - these I
hope are, in now, in your Hands -
I have the Honour to be, with
the greatest Respect & the most
sincere Affection & Regard,

D. ni

Yr. obed^t & affec^t Serv^t
J. Rutledge

His Excellency Genl. Washington

D^r Sir,

July 22. 1783.

Mr. Darby, by whom this will
be delivered, is recommended by Mr. H.
Laurens, as a Gentleman of Ireland,
of considerable independent Fortune,
which he means to remove to America
(if he meets with proper Inducements
for so doing,) & as one whose Character
woud procure him a cordial Re-
-ception in our Country.

He purposed to do himself the
Honour of waiting on your Excellency,
to pay his Respects - I have therefore
taken the Liberty of giving him a
Line of Introduction -

I have the Honour to be with great
Esteem & Respect Sir your most obed^t. Serv^t.

Wm. Evans Genl. Washington / J. Bu Hodge

Gratz Collection

Dr. Sir

Charleston Sept. 15. 1793.

I will be at Cambridge, to hold
 one of the Courts there, in November, & wish
 you wd. be there also, to hold the other, for
 it seems generally agreed, that two Judges
 should be at Camden, & two at Cambridge,
 the next Circuit - Waters & Bay will go
 to Camden - The Court should meet at Washing-
 ton on the 10th, but that is Sunday - it should
 sit, if there is Business to last so long, six
 Days - should that be the case, it wd. sit
 till the 16th Inclusive, which is the Day that
 the Court should begin at Cambridge - I sh^d
 not possibly be at Cambridge, until the 18.
 If I can dispatch the Business at Washington,
 in Time to be at Cambridge on the 16th, I certainly
 will - if not, it wd. be well to adjourn the
 Common Pleas, till Monday, when I certainly will
 be there, taking Care, in Case a Jury sh^d. not

Executive A.C. of ^{Waters & Bay} ~~Waters & Bay~~
 Cambridge

appear, on Saturday, which probably they
will not, to have Salesmen then drawn &
summoned for Monday; otherwise, it is likely,
that it will be necessary to draw Salesmen
on Monday, for Tuesday, whereby, two Days
will be lost - it wd. be well, also, to go to
Business, in the forenoon, on the 16th, which
I hope you will - I will thank you to
forward the enclosed, by a safe opportunity,
as soon as convenient - it being to desire
Mayson to engage Accommodations for me
whilst at Cambridge - on some Matters of consequence

I am &c. &c.

Yr. very obt. Serv^t
J. Rutledge

March 26 - 1798

As heretofore under the last Decretal order
in Equity, of the Land of Mr. Williamson's
estate which I purchased, must take place,
& that, I shall have a share in the proceeds,
to wit, as the order to the Court, or
conditions of that order, may be
for I can find nothing, I am accommoda-
-ting spirit, with respect to making the
said of payment more favorable,
to the other parties - they seem not to
entirely, or regard any of the, or all
consequences, to the ^{best} I shall therefore, speak to any
of them again, on the subject, but
let the Matter take its course, whatever
the issue may be. - We must, therefore
follow the decree - Indeed, according to
that, the Land ought to have been
sold by appraisement, many things ought
to have been ^{done}, in his sale, & many others,
which have not - But, they now, must, & shall
be sold. - Be pleased to inform me, what

was the said a copy of said in that
respect, given, or directed, by the Court
& I will prepare, & have inserted, in
the Gazette of the Morrow, or next day,
a proper Advertisement, in your Name,
of a Trial, according to the Terms of the
last decretal order - The day of Trial must
depend on the Time of your Departure
~~from~~ from this State, for out of the
Northern State, as it will require
some Time, previous to your going off,
to procure the Writs, take Bonds, &c -
The purpose of the present Ad. is
to know, if I request you will inform
me of the same, & what ^{is} the said
allowed by the said decretal order, ^{on} what
day, do you propose leaving this State
I am Sir

Y^r most obed^t Serv^t
J. Innes

W. H. Gibbs Esq?