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Question of Revolution in the Carolinas and Georgia from Colonial Times to the Time of the  
Early Republic

A Dissertation Submitted

by

Megan Shirley

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Doctoral Dissertation Committee:

Director: Dr. Jeffrey Rogers

Reader: Dr. Aaron Palmer

Reader: Dr. Bruce Bandler

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Megan Shirley

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### **Abstract**

The American War of Independence was not an unlimited revolutionary event. More correctly it was a limited revolution. The ideologies, legal codes, and events that formed the basis for justification had historical precedent in English and ancient history. Women and people of color experienced a counter revolution with regards to their rights and liberties after the conflict known as the American Revolution. Although women participated in the conflict did not experience a progression in rights and freedoms. People of color, free and enslaved, certainly experienced a different outcome. They became citizens of a new nation but were denied equal freedom and rights. Given the fact that there have been many racially and gender motivated movements within the last twenty years in the South and throughout America, which argue that people of color and women are still considered second class citizens and are not provided the same rights and protections as white men. Published academic works are following a tradition of reactionary scholarship. Academic works provide an explanation as to the roles of people of color, and women in general in the southern economies and their roles in the military conflict, some even discuss the ideological controversy that the institution of slavery presented the new nation. However, very little work has been conducted in examining the continuity and change of American life, of these specific groups of people in America, as a result of the concept of revolution. Yes, a revolution did occur but not for these people at this time.

## Acknowledgments

To my mother, Sherri Putman, my doctoral advisor, Jeffery Rogers, Ph.D., and to God I dedicate this most laborious piece of academic work. I acknowledge that it is not just myself that has made many sacrifices in the pursuit of the completion of this dissertation. It is others around me who have sacrificed as well. My mother has sacrificed her time and patience. Professor Jeffrey Rogers has done the same and provided me with excellent support and guidance along the way. To God, I acknowledge the strength to continue this journey of integrity and preservation of historical knowledge and truth.

Galatians 6:9: And let us not grow weary of doing good, for in due season we will reap, if we do not give up.

Edmund Burke- "In history, a great volume is unrolled for our instruction, drawing the materials of future wisdom from the past errors and infirmities of mankind."

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## Definitions

**Mulatto-** A person of mixed ancestry. Most commonly only a person labeled as a mulatto was known to have one black, African parent and one European parent.

**Mestizo-** A person of mixed ancestry. Spaniards used this word to identify people who descended from Europeans and indigenous people.

**Negro-** In the colonial era through the Early Republic, the term ‘negro’ was a very common word used to identify people of African descent regardless of their status as free or enslaved.

*Libro de las Leyes* (Book of Laws) or *Las Siete Partidas* (The seven-part law code)- A Spanish codified work of laws that originated in the thirteenth century during the reign of Alfonso X of Castile. A few of the laws contained within this work establish rights provided to slaves that demonstrate it continuation of the Roman traditions of slavery and servitude.

*Code Noir-* French slave codes first established in 1685 and updated up until 1724. These codes like the Spanish slave codes show a continuation of a Roman tradition. These codes were instituted as a means to hinder the growth of Protestantism. Within these codes abuse of slaves by way of the sexual abuse was strictly prohibited because it was against the Catholic morality. Manumission by way of marriage was also much easier to obtain due to the same rationale.

**Petite Marronage-** Actions of enslaved people who fled large plantations. They did not form large free communities. Another term for this would be runaway slaves or fugitive slaves.

**Maroons-** People who have escaped slavery to form large groups of the people or their own community. Slaves who left plantations to join Native American groups or the slaves who rebelled in the Caribbean would be considered maroons.

**Manumission-** Manumission is a release from servitude or slavery on an individual basis.

**Meritorious service-** Meritorious service is service in the military or in aid of the military, or actions in service to someone else.

**Cooper-** one who made or repaired wooden casks, kegs or tubs.

**Batman-** an officer’s servant in the army

**Pilot-** one licensed to steer ships through difficult waters.

**Coverture-** A legal doctrine in English Common Law. This doctrine merged the rights and property of women to men in marriage.

*Feme Covert-* The literal meaning of this term is covered woman. It is used to identify the status and property rights of a woman who is married under Common Law. A married woman’s rights was often merged with her husband’s and therefore she was subordinate to him.

*Feme Sole-* The literal meaning of this term is single woman. Technically a woman who is widowed or who had never been married, would be considered a feme sole. However, in the colonial Europe this term referred to a woman who was permitted to act legally within her own right outside of her husband's protections. For example, a feme sole could operate her own business without having her rights superseded by her husband.

## Chapter One: Introduction

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

~Declaration of Independence, July 4, 1776, drafted by Thomas Jefferson

Freedom is not a gift bestowed upon us by other men, but a right that belongs to us by the laws of God and nature.

~John Webbe, *Pennsylvania Gazette*, April 1, 1736

Who talks most about freedom and equality? Is it not those who hold a bill of Rights in one hand and a whip for affrighted slaves in the other?

~Alexander Hamilton quoting Thomas Day, February 23, 1791

The primary goal of this dissertation is to fill the gaps in the literature surrounding women and African Americans in the time of colonial America when North Carolina, South Carolina, and Georgia were considered part of the southern colonies up until the establishment of the United States government under the Constitution. In addition to this argument, the dissertation will also examine how revolutionary the new government was. The arguments and interpretations presented by scholars over the last hundred years have focused more on the bigger picture. This dissertation is meant to be concentrated specifically in the southern colonies of which there is very little literature completed on people of color and women in relation to the development of their rights and liberties as subjects, then as citizens. Even Philip Morgan in *African American Life in the Georgia Lowcountry the Atlantic World and the Gullah Geechee* (2010) emphatically states that there is a lack of scholarship on the subject of African born slaves and slaves of African descent, as well as free people of color, especially in Georgia.<sup>1</sup> Although the existence of works such as Phillip Morgan's *Slave Counterpoint* and the works of Betty

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<sup>1</sup> Philip Morgan, *African American Life in the Georgia Lowcountry the Atlantic World and the Gullah Geechee* (Athens, G.A.: University of Georgia Press, 2010), 13-14.

Wood, David Littlefield, and Peter Wood demonstrate that much research has been conducted, a cumulative effort has not yet been completed. A cumulative work on African people in the Carolinas and Georgia, be they free or enslaved, and women during the colonial era through the early Republic is a necessity.

Although authors such as Gordon Wood and Douglas Egerton have completed works of historiographic relevance, they do not concentrate solely on specific areas or on groups of people in those areas. Those that do concentrate on specific groups of people, such as Daniel Tortora, do not show continuity versus change with regards to political history and thus cannot be said to provide a distinctive contribution. To make a substantial contribution to the field will require the utilization of a methodology that explains what life was like in the Carolinas and Georgia before, during, and after the War of Independence. The completion of the aforementioned goal requires insight as to the ideological concepts that were prevalent upon American society and what sort of laws people of color and women lived under that made them different than any other American citizen.

The terms for the conflict in which the colonies formally separated from Britain, the American Revolution and the War of Independence, are used interchangeably. It is true that it was a war for independence from Britain. However, to call the conflict, the American 'Revolution' is misleading. As is the implication that the establishment of a new government under first the Articles of Confederation and then the United States Constitution was revolutionary political thought in the eighteenth century. Although many of the nation's founding generation referred to the conflict using the word 'revolution,' it is unclear if the



conflict and the resulting governments constituted a revolution for every human being.<sup>2</sup> What is extremely evident is that the America and its inhabitants after 1783, when the military conflict ended, were different from before 1775, when the military conflict began. Another important concept to mention is that there is a difference between the American ‘Revolutionary’ War (1775-1783) and the American Revolution as an ideological era. The American Revolution as an ideological era began much earlier in 1765 and lasted until 1791, with the ratification of the United States Bill of Rights. Both the military conflict and the ideological era will be addressed because they are intrinsically intertwined.

The American War of Independence resulted in change because Britain lost its colonies, but the new states were still similar to how they were as colonies. British North American colonists were very well in tuned with self-governance prior to the conflict. The concept of confederation has a government style is ancient as is governance by a constitution. The United States government is a government based on historical precedence, especially in the eighteenth century. There was no progressive change, or little progressive change, after the War of Independence on the lives of Africans, free or enslaved. Before the conflict, Africans had little rights though prior to various rebellions, such as the Stono Rebellion, they legally had more rights and with the Enlightenment had begun to receive more aid in their plight. The white population further oppressed people of color in the Carolinas and Georgia after the conflict. The lives of women and Native Americans were also unchanged. Africans, women, and Native

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<sup>2</sup> “Anthony Afterwit, 10 July 1732,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Franklin/01-01-02-0080>. [Original source: The Papers of Benjamin Franklin, vol. 1, January 6, 1706 through December 31, 1734, ed. Leonard W. Labaree. New Haven: Yale University Press, 1959, pp. 237–240.]; Benjamin Franklin, “Observations on Reading History, 9 May 1731,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Franklin/01-01-02-0060>. [Original source: The Papers of Benjamin Franklin, vol. 1, January 6, 1706 through December 31, 1734, ed. Leonard W. Labaree. New Haven: Yale University Press, 1959, pp. 192–193.].

Americans did not experience a revolution in rights and liberties in the same manner that white men did. Some change did occur, but not to a large degree or to a predominantly progressive one. The same arbitrary laws, traditions, and customs of Britain dating as far back as the Middle Ages dictated their lives. To evaluate the continuity and change to the lives of the Native Americans in the Carolinas and Georgia would require further analysis in a separate work. For this dissertation, concentration will be on the lives of women and African Americans. Any analysis of the significance of the War of Independence to Native Americans will be in conjunction with their connection to slavery and African Americans.

There is an overwhelming sense of curiosity surrounding the question of revolution in the Carolinas and Georgia. From colonial times to the inception of the New Republic under the Constitution of the United States of America various questions have been posed. A broad question that frequents scholarship is what did revolution mean in the eighteenth century and how revolutionary was the War of Independence? This question may seem to be answered by noted scholars like Gordon S. Wood but it is really only glanced over in relation to the Carolinas and Georgia, women, and people of color.<sup>3</sup> This dissertation will use both new scholarship and old to revitalize the question of revolution and the question of revolution to women and people of color in the Carolinas and Georgia. It is true that a revolution had taken place in that Britain had lost its colonies but the reasons the colonies even considered rebelling were based on a historical precedence that had been set down hundreds of years before when a king had trampled the rights of the nobles. The King's refusal to treat colonists as he would any other British subject

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<sup>3</sup> Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford: Oxford University Press, 2009), 23, 516-527, 540.

exacerbated the rebellion. At first, they had no intention of separating from Britain, but when the king persisted in his abuse, in his tyranny and oppression, they had no choice.

The war granted the former colonists the freedom to form their own government. Voting rights and access to courts expanded in the former colonies. However, their actions cannot be considered unprecedented, but too some people of the eighteenth century they could be considered revolutionary. The government under both the Articles of Confederation and the Constitution cannot likewise be considered the same. According to Peter Galie, there were already semblances of a Bill of Rights before there was a Bill of Rights, implying that the United States' Bill of Rights was not an original legal construct to colonists.<sup>4</sup> The implication also does not mean that the existence of documents with similar purpose did not make an impact on the new American government. The *English Bill of Rights* and even the charter of the Carolinas demonstrates that there was some semblance of a familiar progression of constitutional rights.<sup>5</sup> The 1732 Charter of Georgia demonstrated that prior to the conflict the prohibition of slavery was primarily economic in its intent. This document also demonstrates that there were provisions too who had rights, in the case of Georgia the poor laboring class was of its main concern. Too support slavery was to diminish that class.

The colonial charters of the Carolinas and Georgia did not guarantee rights, protections, and inducements to every person living in those colonies. This was especially true of those in slavery or servitude, which by the time of the War of Independence meant enslaved Africans.

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<sup>4</sup> Peter J. Galie, Christopher Bopst, and Bethany Kirschner, *Bills of Rights before the Bill of Rights: Early State Constitutions and the American Tradition of Rights, 1776-1790* (Cham, Switzerland: Palgrave Macmillan, 2020), 32, 79, 102-109; Akhil Amar Reed, *The Bill of Rights: Creation and Reconstruction* (New Haven: Yale University Press, 1998), 284.

<sup>5</sup> "Charter of Carolina, March 24, 1663," *Avalon Project: Documents in Law, History and Diplomacy*, accessed August 20, 2022, [https://avalon.law.yale.edu/17th\\_century/nc01.asp](https://avalon.law.yale.edu/17th_century/nc01.asp); *English Bill of Rights*, 1689, Constitution Society, accessed October 1, 2019, [https://www.constitution.org/eng/eng\\_bor.htm](https://www.constitution.org/eng/eng_bor.htm).

Other people such as women, white men of lower economic status, and people from indigenous communities were not guaranteed equal rights and social privileges. Indeed, the very concepts of freedom, liberty, and revolution ought to be decontextualized in the wake of the American War of Independence. In light of recently published academic works and original ideas, a reexamination of older scholarship and primary materials has shown that in the Carolinas and Georgia, the War of Independence did not signal a social revolution. Although many had served the Patriot cause in a variety of ways, the lives of Africans and women mirrored what they were before the conflict. The lack of presence of women and people of color in the primary source documents reflect continuity, even regression of rights and liberties. The new state constitutions and the documents securing guardianship rights written in the late eighteenth century demonstrate that for people of color and women, there was a counter-revolution.

There is a tendency to analyze this era and its society *en masse*, as though every colony experienced the revolution the same way. However, there is a vast amount of literature focusing on regional and local histories of the era. Perhaps the end result was the same, but the results are still not unique to the American people. They still heavily resembled their British counterparts. The Articles and the Constitution are very similar to European institutions of government.

The questions here then are just how similar was the newly minted American nation to Europe? Was the American War of Independence truly revolutionary? How did the war impact the lives the various groups of people in the Americas? As the colonies had developed differently from the time of their establishment, did they also differ in the revolutionary thought? What about self-government? The concepts of 'freedom' and 'liberty' are so intertwined with the history of the of the United States that it is almost unconscionable to believe that the very origins of the country and its government deliberately oppressed those who were not white, male, and

moderately wealthy. If the American colonists who rebelled against King George of Great Britain truly desired freedom and liberty would they not grant it to all to prevent themselves from becoming hypocrites? The answer to this question depended on how the colonists defined people, citizens, rights and liberties. It also depended upon how they interpreted rewards of service in conjunction with their colonial histories.

The Carolinas and Georgia upon their establishment in the late seventeenth and mid-eighteenth centuries were reminiscent of medieval feudal and manorial societies.<sup>6</sup> The requirement of military participation of subjects to the Crown to be granted land, or land grants in reward for service, demonstrate a feudal mindset. As in the Middle Ages, women were traditionally excluded from military service. Women's rights were only cemented in legal terms by securing their rights as widows and heiresses. Women functioned as placeholders for their husbands and sons. Both the Carolinas and Georgia, as well as most other colonies relied upon the institution of slavery. The institution of slavery in the colonies was like the manorial system as it predicated upon the allegiance to a small house and the laborers. The plantation home was the manor, the slaves were the serfs. In both feudalism and manorialism, there was the expectation of an exchange between a hierarchy and a lower class. The highest tier had the duty of protecting the lowest while the duty of the lowest tier in the system was to serve. After the War of Independence, the Carolinas and Georgia, did not deviate from a system of manorialism or a feudal mindset towards women or people of color. The plantation society increased in these states. The rights of women remained in stasis.

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<sup>6</sup> Jack Shuler, *Calling Out Liberty the Stono Slave Rebellion and the Universal Struggle for Human Rights* (Jackson: University Press of Mississippi, 2009), 23-24.

The fact remains that the institution of slavery in America from its inception in the early 1600s until its abolition in the 1860s, and later the oppression of Africans until the Civil Rights Movement of the twentieth century, was severely oppressive because Africans had no legal rights as slaves and property, and the ability of states to find loopholes to support white supremacy. This was particularly true in the South, the Carolinas and Georgia.<sup>7</sup> Even when slaves were emancipated by their owners as a result of military service, they had no guarantee of freedom nor the ability to express their liberty politically. This is especially true in the face of blatant avarice. The state governments exclusion of women from political participation advanced the traditional mindset of women's inferior status in society. In the Carolinas and Georgia, a tyrannical patriarchal society governed both women and people of color despite arguments against tyranny.

Freedom from tyranny was the theme of the late eighteenth century. However, the War of Independence was a conflict that resulted in a political revolution not a social or economic one. The lives of Africans and those Africans born in the colonies were far from revolutionized. It can be argued that the conflict did present a means by which future generations could argue for the necessity and moral imperative of the complete abolition of slavery. It is ironic how these people were involved in the creation of a free nation and yet were not free themselves. It is also strange because the philosophies of Rousseau, Hobbes, Locke, and many other enlightened philosophers dictated that slavery be condemned in order for there to be a more perfect society and government.<sup>8</sup> This strangeness is perpetuated because it is these enlightened ideals for which the

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<sup>7</sup> Trustees for Establishing the Colony of Georgia in America, "Letters to Georgia, v. 14210, 1739 April-1740 June," 1739-04/1740-06, October 1, 2022, [http://dlg.galileo.usg.edu/do:guan\\_ms1786\\_ms1786-14210](http://dlg.galileo.usg.edu/do:guan_ms1786_ms1786-14210).

<sup>8</sup> Daniel Luban, "Hobbesian Slavery," *Political Theory* 46, no. 5 (2018): 726–48, <https://www.jstor.org/stable/26509630>; Thomas Hobbes, *The Elements of Law, Natural and Politic* (Chestnut Hill, MA: Adamant Media Corporation, 2005), 2.3.3; Thomas Hobbes, *Leviathan Or the Matter, Forme, & Power of a Commonwealth, Ecclesiasticall and Civill*, ed. A. R. Waller (London, 1651. Repr., Cambridge: Cambridge

modern government of the United States was predicated upon.<sup>9</sup> In the Carolinas and Georgia this is readily apparent. In fact, it could be argued that there was a counter-revolution.

Africans served during the War of Independence in various, but important roles demonstrating that they were just as deserving of freedom as their white counterparts. They served as soldiers, laborers, and even spies. Their conduct was said to have been even better than that of white soldiers when it came to discipline and commitment.<sup>10</sup> So, why were these groups not recognized with the same rewards as white men? How then did the conflict of the War of

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University Press, 1904); Jean-Jacques Rousseau, *The Basic Political Writings* (Indianapolis, IN: Hackett, 2011); John Locke, *Two Treatises of Government: Preceded by Sir Robert Filmer's "Patriarcha" with an Introduction by Henry Morley* (London and New York: George Routledge and Sons, 1884); John Locke, Alexander Hewatt, and South Carolina. *Constitution: An Historical Account of the Rise and Progress of the Colonies of South Carolina and Georgia*, Vol. 2. (London: Printed for A. Donaldson, 1779); John Locke, Algernon Sidney and Lord Shaftesbury, *Original Letters of John Locke, Algernon Sidney and Lord Shaftesbury: With An Analytical Sketch of The Writings and Opinions Of Locke and Other Metaphysicians*, ed. T. Forster (Charleston, SC: Nabu Press, 2011); Claudine Hunting, "The Philosophes and Black Slavery: 1748-1765," *Journal of the History of Ideas* 39, no. 3 (1978): 405–18, <https://doi.org/10.2307/2709385>; Donald S. Lutz, *Colonial Origins of the American Constitution: A Documentary History* (Indianapolis: Liberty Fund, 1998); Donald S. Lutz, "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought," *American Political Science Review* 78, no. 1 (1984): 189–197, *JSTOR*, doi:10.2307/1961257.

<sup>9</sup> William H. McNeill, *The Rise of the West: A History of the Human Community* (Chicago, 1963), 599; Immanuel Kant, "An Answer to the Question: What Is Enlightenment?," *Berlinische Monatsschrift*, December 1784, 481; Sebastian Conrad, "Enlightenment in Global History: A Historiographical Critique," *The American Historical Review* 117.4 (October 2012): 999–1027, <https://doi.org/10.1093/ahr/117.4.999>; John Adams, "[March 1756]," *Founders Online*, National Archives, <https://founders.archives.gov/documents/Adams/01-01-02-0002-0003>. [Original source: *The Adams Papers, Diary and Autobiography of John Adams*, vol. 1, 1755–1770, ed. L. H. Butterfield. Cambridge, MA: Harvard University Press, 1961, pp. 11–19.]

<sup>10</sup> Douglas R. Egerton, *Rebels, Reformers, and Revolutionaries: Collected Essays and Second Thoughts* (London: Routledge, 2002), 5; Douglas Egerton, *Death or Liberty: African Americans and Revolutionary America*, (Oxford: Oxford University Press, 2009), 75, 85; Walter B. Edgar, ed., *The South Carolina Encyclopedia Guide to the American Revolution in South Carolina* (Columbia: University of South Carolina Press, 2012), 7; William C. Nell, *The Colored Patriots of the American Revolution, with Sketches of Several Distinguished Colored Persons: To Which is Added A Brief Survey of the Condition and Prospects of Colored Americans with An Introduction by Harriet Beecher Stowe* (Boston: Robert F. Wallcut, 1855), 20, 25–27; Lovick Jones, "Run Away," *North Carolina Gazette*, 1 August 1777, pg. 3, 908775436, *North Carolina Runaway Slave Advertisements Digital Collection*, University of North Carolina at Greensboro, <http://libcdm1.uncg.edu/cdm/ref/collection/RAS/id/827>; Booker T. Washington, *The Story of the Negro: The Rise of the Race from Slavery, volume 1* (New York: Doubleday, Page & Company, 1909), 315; "To George Washington from Marie-Joseph-Paul-Yves-Roch-Gilbert du Motier, marquis de Lafayette, 31 July 1781," *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Washington/99-01-02-06552>; W. B. Hartgrove, "The Negro Soldier in the American Revolution," *The Journal of Negro History* 1, no. 2 (1916): 112, 116, accessed October 1, 2018, <https://www.jstor.org/stable/3035634>.

Independence denote a social and political revolution for these groups of people in the Carolinas and Georgia? The importance of the Carolinas and Georgia in this question may not be obvious. They were the newest colonies; Thus, more Loyalists resided in these areas.<sup>11</sup> However, they also constituted the largest slave holding colonies due to their economy which was based on the plantation system. The connectivity between slavery and the so-called Revolutionary War would later lead to dissenting factions and a civil war within the United States.

This dissertation will fill a gap that is very broad in context. Although many historians have written on the topic of the institution of slavery, women, and the War of Independence there is a significant lack of focus on particular colonies or states. This is made even more difficult because in the beginning, the colonies had their own separate charters; they had their own rules, there was no federal government to bring a sense of cohesiveness politically and even culturally. Economically they were different as well. Political history when paired with the social history of Africans in the Carolinas and Georgia from the late 1600s to the 1810s is a topic that it not much is written about. This is primarily because most of the historiography did not begin until well after the 1860s and what little did exist was part of the literature produced by various abolitionist groups and therefore could be considered very biased. Other literature produced concentrated on slave rebellions and had the purpose of increasing fears among white slave owners and putting pressure on them too further disenfranchise Africans.

An analysis detailing how the lives of Africans and women changed from the late 1600s to the early nineteenth century should be of paramount scholarly endeavor in the region of the

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<sup>11</sup> Jim Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the American Revolutionary South, 1775-1782* (Columbia: University of South Carolina Press, 2010), 23, 40, 45; Aaron Palmer, *A Rule of Law: Elite Political Authority and the Coming of the Revolution in the South Carolina Lowcountry, 1763-1776* (Leiden: BRILL, 2014), 227.



Carolinas and Georgia. Did they gain rights after a war was fought against a tyrannical government, an oppressive monarch? Did they lose them? Could they live independently? What factors determine their lifestyle? Why did the constitutions leave these groups of people undefined, when the principle of Enlightenment which informed the War of Independence and the government under the Constitution dictated freedom? Although some authors would argue that the founding generation was not overly influenced by the philosophes of the Enlightenment, a work completed by David Ramsay in 1785 argues the exact opposite. In the very least American society had been influenced by the works of Thomas Paine who was a scholar in his own right.<sup>12</sup> As this work was completed during the eighteenth century it would appear as though the philosophies did have a profound effect on contemporary thought of politicians such as Alexander Hamilton and Edward Rutledge from South Carolina. Gordon Wood in *Radicalism of the American Revolution*, states that the Enlightenment had a profound effect on the ideologies of Americans.<sup>13</sup> These are the sort of questions that are raised or at least implied by different scholars such as Benjamin Quarles, Julie Winch, Gordon Wood, Douglas Egerton, and even in the compiled commentaries on state laws with one example being written by John O'Neill or the history written by William Nell.<sup>14</sup> However, what these notable and respected scholars do not

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<sup>12</sup> David Ramsay, *The History of the Revolution of South-Carolina, from a British Province to an Independent State*, vol. 1. (Trenton: Printed by I. Collins, 1785), 164, *Sabin Americana: History of the Americas, 1500-1926* (accessed September 30, 2022).

<sup>13</sup> Gordon Wood, *Radicalism of the American Revolution* (New York: Vintage Books, 1993), 220.

<sup>14</sup> Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford: Oxford University Press, 2011); Gordon S. Wood, "Ideology and the Origins of Liberal America," *The William and Mary Quarterly* 44, no. 3 (1987): 628-640, accessed September 14, 2019, doi:10.2307/1939783; Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: Published for the Institute of Early American History and Culture at Williamsburg, Va, by the University of North Carolina Press, 2011); Gordon S. Wood, *The Idea of America: Reflections on the Birth of the United States* (New York: Penguin Press, 2011); Gordon S. Wood, *The Radicalism of the American Revolution*, *ibid*; Douglas Egerton, *Death or Liberty: African Americans and Revolutionary America*, *ibid*; Benjamin Quarles and Thad W. Tate, *The Negro in the American Revolution* (Reprint, 1961; Chapel Hill: University of North Carolina Press, 2012); Julie Winch, *Between Slavery and Freedom: Free People of Color in America from Settlement to the Civil War* (Lanham, Maryland: Rowman & Littlefield, 2014);

concentrate on the Carolinas and Georgia. And they certainly do not concentrate on colonial times to just after the establishment of the American government under the Constitution.

Demonstrating continuity and change is extremely important when analyzing a time described by many as revolutionary, especially with that era is marked by its rhetoric focusing on liberty and freedom and yet there remains a people oppressed in the face of tyranny. According to the primary sources available in the Carolinas and Georgia, such as in the Act to Emancipate Austin Dabney and the list of the 4<sup>th</sup> Carolina Regiment, it is evident that while slavery continued to exist well into the 1800s after the American War of Independence individual slave owners increased their permissions of manumissions based on revolutionary service.<sup>15</sup> This demonstrates that there was a consciousness in society regarding liberty, freedom, and the concept of citizenship based on civil service. The continuity of social fabric was maintained in that slavery continued to exist and that Africans were not recognized as citizens, but there were deviations in that the fabric of American society and politics had started to unravel leading to discontent politically and ideologically. This has remained evident in historiography.

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Nell, *The Colored Patriots of the American Revolution*, 119, 121, 198, accessed September 10, 2018, *Google Books*; John O'Neill, *Negro Law of South Carolina* (Columbia, South Carolina: John G. Bowman, 1848); Horatio Marbury and William H. Crawford, eds., *A Digest of the Laws of the State of Georgia, 1755 to 1800* (Savannah, 1802), 442; Augustus Smith Clayton, ed., *A Compilation of the Laws of the State of Georgia, 1800 to 1810* (Augusta, 1812), 455; W. McDowell Rogers, "Free Negro Legislation in Georgia Before 1865." *The Georgia Historical Quarterly* 16, no. 1 (1932): 27–37, <http://www.jstor.org/stable/40576162>; E. W. Crooks, *Life of Rev. A. Crooks* (A.M. Syracuse: D.S. Kinney, 1875) <https://archive.org/details/lifeofreverendac00croouoft>; Walter Clark, "Acts of the North Carolina General Assembly, 174," in *Colonial and State Records of North Carolina*, vol. 23 (Raleigh, N.C.: General Assembly, 1905), 191-204. *Documenting the American South*, <https://docsouth.unc.edu/csr/index.php/document/csr23-0012>.

<sup>15</sup> "An Act to Emancipate and Set Free Austin A Mulatto, Also Harry, A Negro Fellow," August 14, 1786. *Ad Hoc Collection*. Vol. D., Enrolled Acts and Resolutions, House and Senate, Legislature, RG 37-1-15, Georgia Archives, <https://vault.georgiaarchives.org/digital/collection/adhoc/id/582/rec/3>; Bernard Elliot, "4th South Carolina Regiment Order Book," *Lowcountry Digital Library*, South Carolina Historical Society, 1775-1778, <https://lcdl.library.cofc.edu/lcdl/catalog/lcdl:143875>.

The existing historiography of the Revolutionary Era is not inconsequential. Scholars have written plenty about the revolutionary ideology, the effects of the conflict and supporting ideology on slavery and women's rights. Existing scholarship is neglectful in presenting a cumulative work focusing on the Carolinas and Georgia. However, the stance that the American War of Independence represented a revolutionary event for people of color and women in the Carolinas and Georgia is false. The new government that formed in the aftermath of the conflict was not revolutionary or radical as argued by contemporary scholars. Concepts that advanced the Patriot cause existed for centuries. Those same historical precedents also reveal that the Americans were hypocritical in their stance on slavery and denial of women's rights.

### **Historiography**

For decades many scholars have analyzed and interpreted the history of the American War of Independence, the roles women and roles Africans of all status. Many of these works, however, take on a broader analysis. Instead of concentrating on specific regions or states they instead concentrate on all of the former British colonies. A broad approach is not entirely without merit. There were similarities between all the colonies with regards to specific groups of people and even economic classes. However, when looking at the northern colonies and the southern colonies there were noticeable differences that had bearing on historical interpretation. Interpretations also shifted overtime because of the social political situation of the late 1800s and early 1900s with the Civil War and up to the Civil Rights Movement. These events and their corresponding constitutional amendments demonstrate that there were groups of people who been oppressed throughout American history despite these so-called Revolutionary War and the language of freedom and liberty that is connected to it. Scholars began to include more analysis

into the roles of these people to demonstrate and to vindicate their participation in American society.

These interpretations revealed that the conflict was not revolutionary except in the sense that there was a formal separation between Britain and America. These interpretations also reveal that from the time of colonial America until the establishment of the United States government under the Constitution, the rights and liberties guaranteed to the people were only guaranteed to a certain portion of the people. Despite what is argued by Gordon Wood in *The Radicalism of the American Revolution*, there was no significant social, political, or legal revolution for Africans or women within the states. The American War of Independence was a revolution for white men who owned *property*.<sup>16</sup> This is particularly true in the Carolinas and Georgia. There were some individual steps taken towards emancipation of particular slaves. This was done sparingly and under the direction of the consciousness of slave-owners sympathetic to the Patriot cause and enlightened ideals.

The American government has received an abundance of attention from many notable scholars. Bernard Bailyn, Akhil Amar Reed, Gordon S. Wood, and Douglas Egerton have all published multiple volumes on the subject of this conflict. These particular scholars are noted for their seminal works. They incorporate the knowledge of many different historians from the last century. Bailyn, Reed, Gordon Wood, and Egerton do not utilize a specific school of historical thought but tend to concentrate on the trajectory of all thirteen colonies and the Early Republic. When it comes to analyzing the involvement of specific peoples and colonial legislation in the

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<sup>16</sup> Wood, *Radicalism*, 219-220, 340.

conflict there is but mere footnotes. These authors rely more on the intellectual and political development of the British government in relation to the colonies and how that affected change.

The article by T. V. Smith addresses the inconsistency of American attitudes towards slavery and equality and liberty as far back as the 1600s. The article addresses how people even in London saw the inconsistency of American attitudes towards slavery when they were fighting against tyranny. It discusses natural rights and religious motifs. With regards to natural rights, it stated that man has rights by nature:

The disposition of some to derive abstract rights as if all rights were uncertain, mutable, and conceded by society, shows a lamentable ignorance of human nature, in these are gifts of the creator not grants of society. In the order of things, they proceed society, why at its foundation constitute a man's capacity for it, and are the great objects of social institutions. The consciousness of rights is not a creation of human art, a conventional sentiment, but essential to and inseparable from the human soul. The equality of nature makes slavery wrong.<sup>17</sup>

The connection with natural rights made pro slavery arguments difficult to win. It essentially made the rationale that every man, woman, and child were born equal. No man was born into slavery. There were connections with various philosophers within this article that were suggestive of pro slavery or abolitionist ideologies. For example, Calhoun relied on Hobbs's philosophy that not all men were created equal and therefore slavery was permissible.<sup>18</sup> The article also states that many apologists used scripture to support their views. However, slavery was not specific to race in biblical times. In fact, race was hardly ever mentioned in the Bible.

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<sup>17</sup> T. V. Smith, "SLAVERY AND THE AMERICAN DOCTRINE OF EQUALITY," *The Southwestern Political and Social Science Quarterly* 7, no. 4 (1927): 338-339, <http://www.jstor.org/stable/42880607>.

<sup>18</sup> Smith, *ibid.*, 337.

Could the same be said for those in the eighteenth century? Or was slavery in the Carolinas and Georgia predicated upon something else? If so, what exactly?

Bernard Bailyn in his notable work, *The Ideological Origins of the American Revolution* (1967), utilizes various pamphlets circulating the colonies to break down the ideological and political thought process of the American colonists.<sup>19</sup> Individuals from the Carolinas and Georgia and their impact on the American Revolution and the following government are not the sole focus of this work. More analysis must be conducted to show the contributions made by people of all backgrounds in the Carolinas and Georgia and to demonstrate how society stagnated and changed after the war.

Historian Akhil Reed in *The Bill of Rights: Creation and Reconstruction* (1998) and *America's Constitution: A Biography* (2005), focuses on the history behind each inclusion to these governmental documents.<sup>20</sup> He focuses on the English history that precluded their inclusion and on the American history which reinforced the ideas that the rights of the citizens should be protected. However, he also states several times in both books that the definition of citizen was restricted to white men of status and land ownership. Gordon S. Wood, in *Empire of Liberty: A History of the Early Republic, 1789-1815* (2011), "Ideology and the Origins of Liberal America" (1987), *The Creation of the American Republic, 1776-1787* (2011), *The Idea of America: Reflections on the Birth of the United States* (2011), *The Radicalism of the American Revolution* (1993), highlights the radicalism of the American Revolution and the beginnings of a

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<sup>19</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (Fiftieth anniversary ed. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2017).

<sup>20</sup> Akhil Amar Reed, *The Bill of Rights: Creation and Reconstruction* (New Haven: Yale University Press, 1998); Akhil Amar Reed, *America's Constitution: A Biography* (New York: Random House Trade, 2005), 4, 18-20, 97.

constitutional government in America.<sup>21</sup> Historian Douglas Egerton in *Death or Liberty: African Americans and Revolutionary America* (2009) also demonstrates some of the radicalism suggested in the work written by Gordon Wood, however, he tends to include more of African Americans which demonstrates that there was a radicalization in society.<sup>22</sup> This work builds more on the work completed by Benjamin Quarles.

Benjamin Quarles was an African American historian who focused heavily on the political and social history of African Americans. His major works included *The Negro in the Civil War* (1953), *The Negro in the American Revolution* (1961), *Lincoln and the Negro* (1962), and *Black Abolitionists* (1969).<sup>23</sup> All of his works were written in a time that America was undergoing a transformation with regards to race relations. His primary arguments were that African Americans were a fundamental fixture of American history and helped to establish the American nation as it was. His work did not focus on a particular region; however, it did provide historical basis for scholars such as Edgerton.

Dr. Noeleen McIlvenna, a professor of history at Wright State University, is a specialist in early colonial history. She has published three books focusing on early revolutionary political thought in the Carolinas and Georgia: *A Very Mutinous People: The Struggle for North Carolina, 1660-1713* (2009), *The Short Life of Free Georgia: Class and Slavery in the Colonial South* (2015), and *Early American Rebels: Pursuing Democracy from Maryland to Carolina*.

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<sup>21</sup> Gordon S. Wood, *Empire of Liberty*, *ibid*; Gordon S. Wood, "Ideology and the Origins of Liberal America," 628–640; Gordon S. Wood, *The Creation of the American Republic*, 176; Gordon S. Wood, *The Idea of America*, *ibid*; Gordon S. Wood, *The Radicalism of the American Revolution*, *ibid*.

<sup>22</sup> Douglas Egerton, *Death or Liberty*, *ibid*.

<sup>23</sup> Benjamin Quarles and Thad W. Tate, *The Negro in the American Revolution*, *ibid*.

Particularly in *Pursuing Democracy*, Noeleen McIlvenna argues that women were instrumental in establishing more democratic governments.<sup>24</sup> The place of women in the abolitionist movements was profound and, in the churches, also equated to advancing a more democratic government. These books are fantastic because they focus on the era prior to the Revolutionary Era in the middle colonies. She, like political historian Aaron Palmer in *A Rule of Law: Elite Political Authority and the Coming of the Revolution in the South Carolina Lowcountry, 1763-1776* (2014), draws attention to the fact that as newer colonies, separated from the troubles of the French and Indian War, these specific ones during the “Revolutionary Era” were more likely to be Loyalists and not desiring of a split from Britain.<sup>25</sup> However, Palmer and McIlvenna also maintain that there were instances of self-governance that would overshadow the loyalty of the colonist to a tyrannical government.

Many scholars have written on the topic of women in the Colonial Era, the Revolutionary Era, and women during the Early Republican Era. Some works concentrate on women and their participation in the military efforts on the sides of the Patriots and the Loyalists. Studies have ranged from women in economics, military, agricultural economics, politics, and society. Elizabeth Ellet, Mary Beth Norton, Barbara Oberg, Marylynn Salmon, Andrea Feeser, Lindsay Moore, Lorri Glover, Linda Kerber, and Robert Dunkerly have made considerable contributions to American gender history.<sup>26</sup> Each one of these academics has focused on women in the

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<sup>24</sup> Noeleen McIlvenna, *Early American Rebels: Pursuing Democracy from Maryland to Carolina, 1640-1700* (Chapel Hill: The University of North Carolina Press, 2020).

<sup>25</sup> Aaron Palmer, *A Rule of Law: Elite Political Authority and the Coming of the Revolution in the South Carolina Lowcountry, 1763-1776* (Leiden: BRILL, 2014).

<sup>26</sup> Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience Of American Women, 1750-1800: With A New Preface* (Ithaca, N.Y.: Cornell University Press, 1996), Internet Archive; Barbara B. Oberg, ed., *Women in the American Revolution: Gender, Politics, and the Domestic World* (Charlottesville: University of Virginia Press, 2019); Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986); Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage



Revolutionary Era. Although their contributions are significant connections with English history have been superficial. Norton's, Salmon's, Moore's, and Glover's works make connections with the marriage rights of women and historical precedent, the rest are histories of America in that time. Historically, the rights of women as subjects of the crown dating as far back as the thirteenth century depended upon their status as married, widowed, or unmarried women and whether or not they came from noble families. The wealthier and more well-regarded of a family that the woman came from the better she was. However, women never outranked the men in their family. Her rights were superseded by that of her husband, because it was her husband who performed the duty to the King of fulfilling the obligation of military service. the role of women did not change from the Middle Ages to that of the colonial era. Nor did the perception of women. Yet in the eighteenth century, it was women who demonstrated that they had the capability to run businesses, facilitate military endeavors, execute rescue plans, run households, and a company of the military forces into battle. The question then becomes what is a qualifier for military service? In the American War of Independence, women participated in the military effort. By doing so they it met the criteria for being a citizen of the new nation. Women should

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Settlements, 1730 to 1830," *The William and Mary Quarterly* 39, no. 4 (1982): 655-685, <https://doi.org/10.2307/1919007>; Marylynn Salmon, "The Legal Status of Women in Early America: A Reappraisal," *Law and History Review* 1, no. 1 (1983): 129–51, <https://doi.org/10.2307/744005>; Lindsay R. Moore, *Women before the Court Law and Patriarchy in the Anglo-American World, 1600–1800* (Manchester: Manchester University Press, 2019); Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: Omohundro Institute of Early American History & Culture, 1980), 7, 17, 139, accessed January 29, 2024, ProQuest Ebook Central; Lorri Glover, *Eliza Lucas Pinckney: An Independent Woman in the Age of Revolution* (New Haven: Yale University Press, 2020); Andrea Feaser, *Red, White, and Black make Blue: Indigo in the Fabric of Colonial South Carolina Life*, 1st ed. (Athens, Georgia: The University of Georgia Press, 2013); Linda K. Kerber, "The Republican Mother: Women and the Enlightenment – An American Perspective," in *Toward an Intellectual History of Women: Essays* by Linda K. Kerber (Chapel Hill: University of North Carolina Press, 1997); Elizabeth F. Ellet, *Women of the Revolution*, Vol. 1 -3 (Philadelphia: George W. Jacobs & Co., 1900), Project Gutenberg; Robert M. Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields* (Charleston: History Press, 2007).

have been allowed the same freedoms and rights as the men who fought as soldiers in the conflict.

Dr. Ryan Quintana is an Associate Professor of History at Wellesley University in Massachusetts. His academic research is focused in the eighteenth and nineteenth centuries and even narrowly focused on race, liberalism, capitalism and politics. *Making A Slave State Political Development In Early South Carolina* is the first book written by Dr. Quintana. This work does exactly as its title describes. In this book Quintana demonstrates how slaves built South Carolina. They were responsible for the infrastructure. They were responsible for the growth of society and economy.

Even more importantly by using examples such as Charles Drayton a South Carolina planter, Quintana demonstrates how slave mobility was essential for the successful movement of information, goods, and labor in a plantation society. All of these were important factors. However, Quintana carefully emphasizes that building the infrastructure and having that necessity of mobility also meant that slaves were given more of an opportunity to be a more cohesive slave society. A cohesive slave society created a fear of insurrection. Combined with the fact that in the late 1700s and early 1800s the slave population in South Carolina and in Georgia was more than that of the white the slave owning elite there was a real possibility of a violent rebellion.<sup>27</sup> These fears led to increased restrictions and severe penalties.<sup>28</sup> Quintana is very chronological. By demonstrating how these changed over time, he shows how one of the royal governors, Governor William Bull, actually advocated for compensation for the African slaves

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<sup>27</sup> Ryan A. (Ryan Alexander) Quintana, *Making a Slave State: Political Development in Early South Carolina* (Chapel Hill: University of North Carolina Press, 2018), 108.

<sup>28</sup> Quintana, *Making a Slave State*, 104, 155.

who participated in an expedition to Georgia to resist Spanish invaders. Later in the book it describes how statutes were enacted that prohibited the armament of blacks whether they be free or enslaved.

Daniel Hannan, Lord Hannan of Kingsclere, is a noted writer and politician who has served in Parliament for a number of years. Daniel Hannan's book written in 2013, *Inventing Freedom: How The English-Speaking Peoples Made The Modern World* is one of the most enlightening intellectual histories regarding the development of constitutional governments. In this riveting piece of scholarship, *Inventing Freedom*, the author demonstrates that the British through inherited historical precedents had developed a revolutionary form of government under a constitutional monarchy.<sup>29</sup> In turn this developed into a concept of an invention of various freedoms including that of property, which is familiar to most Americans. It is in this way that it can be argued that this book provides a fundamental basis for an argument demonstrating that the American government is an evolutionary step away from the British after its formation as a result of its separation in 1776. There are many similarities between an American government in the later 1700s and that of Britain just as there are now.

In his work, *Inventing Freedom* Hannan, demonstrates that the concepts perpetrated by American citizens hold value and used to identify themselves as Americans have an origin in tenth century England. Ideas and institutions such as individual rights, private property, rule of law, and that of a representative government are all that are necessary for preserving our freedoms and liberties are the legal legacy of the Magna Carta. Hannan does not provide new information in *Inventing Freedom* but does trace the lineage of common law rights and how

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<sup>29</sup> Daniel Hannan, *Inventing Freedom: How The English-Speaking Peoples Made The Modern World* (New York: Broadside Books, 2013), 50.

events shaped the political atmosphere of Englishmen. This is a work of big legal and intellectual history. It does not focus on the Carolinas or Georgia specifically.

The work does describe slavery as being a violation of “the principles that the English-speaking peoples regarded as peculiarly theirs... It was, obviously, incompatible with personal liberty, and with the free exchange of labor on which open markets rested. It was especially abhorrent to Whig Protestant sensitivities, and the abolitionist movement.”<sup>30</sup> As these were the sentiments of the people prior to the War of Independence and the colonist did not originally want to separate from Britain it could also be argued that colonists were of the same opinion. It is also true that many former colonies after the conflict began the process of abolishing slavery in their states. However, in states where the plantation system formed the background of the economy there was a boom in slavery. This was especially true where the economy was based in agriculture, South Carolina and Georgia were two of the largest plantation colonies and later states. As was Virginia. However, this work also provides the intellectual framework for which abolitionist rhetoric would rationalize their arguments based in English historical context.

Hannan’s *Inventing Freedom* is reminiscent of Douglas Egerton’s *Death or Liberty: African Americans and Revolutionary America*. The claim made by Egerton was that African Americans despite being viewed as property provided a fundamental support to the revolutionary cause during the American War of Independence. This is supported by his reference to numerous colonial pamphlets that promoted self-awareness of enslavement and tyranny.<sup>31</sup> Neither of these works concentrate on the governments of individual colonies or states, but Egerton does provide

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<sup>30</sup> Hannan, *Inventing Freedom*, 284-285.

<sup>31</sup> Hannan, *ibid.*, 44, 148-156; Egerton, *Death or Liberty*, 6, 115, 127.

a biographical study of some African Americans who contributed to the war.<sup>32</sup> Therefore, with regards to South Carolina, North Carolina, and Georgia separate studies must be conducted.

What would be the best avenue of research methodology to supplement the information garnered from *Inventing Freedom* is to look at the works of Oglethorpe, various Carolinians and the charters of the Carolinas and Georgia as well as the correspondence of various religious leaders such as George Whitefield and John Wesley to attempt to ascertain how people in the latter half of the eighteenth-century perceived freedom in these regions.

Scholars have long since published interpretations on the origins of the government in the United States. There is a significant number of books and articles which have been published on any number of interpretations. There are articles that discuss the influence of the Greek civilization on the American Constitution; There are articles and books about the influence of various enlightened philosophers on both the American War for Independence and the establishment of the American government in the latter half of the eighteenth century. What all of these sources conclude is that the American government is based on concepts found in the history of the governments of the ancient Greeks, Romans, ancient Germans, and of the medieval British people. It also incorporates the more contemporary aspects of British government such as the English Bill of Rights.

Much work has been conducted into the originality of the United States Constitution and even the government under the Articles of Confederation. However, as Peter Galie, Christopher Bopst, and Bethany Kirschner in their collective work, *Bills of Rights before the Bill of Rights: Early State Constitutions and the American Tradition of Rights, 1776-1790* (2020) demonstrate

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<sup>32</sup> Douglas, Egerton, *Death or Liberty*, *ibid.*

that in the early Bill of Rights in the eighteenth century the so-called unalienable rights listed were assumed, they were not guaranteed or protected.<sup>33</sup> This work is essentially a history of the Bill of Rights as a federal piece of legislation. It also highlights some of the history of the Bill of Rights in different states. In South Carolina for instance, it details how the rights of the people were conceived of in Article IX and even details some of the colonial rights guarantee to people in the colony prior to the military conflict.

During the latter half of the eighteenth-century Africans were not even considered citizens at all, but property. The so-called revolutionary generation utilized the language of natural rights but only applied them in certain scenarios. This is highlighted in an anthology *Women and the United States Constitution*. Sibyl A. Schwarzenbach, professor of women's studies at City University in New York, and Patricia Smith's, an attorney, *Women and the United States Constitution: History, Interpretation, and Practice* (2003) concentrates on the history of women and the United States Constitution.<sup>34</sup> This book concentrates mostly on gender and the government of the United States. It does not concentrate on African Americans as a whole. There is some detail as to African American women in the nineteenth century to the present. This work does not concentrate on the Carolinas or Georgia. There is a lack of focus on specific African women from Carolinas and Georgia. It emphasizes that not much study has been conducted as to early incorporation of women and Africans into the political atmosphere of these three states despite the emergence of revolutionary rhetoric. The work does much of the abolitionist movement was run by women and their primary goal was to establish equal rights to all people

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<sup>33</sup> Galie, *Bills of Rights before the Bill of Rights: Early State Constitutions and the American Tradition of Rights, 1776-1790*, 56, 98, 103-104.

<sup>34</sup> Sibyl A. Schwarzenbach and Patricia Smith, *Women and the United States Constitution History, Interpretation, and Practice* (New York: Columbia University Press, 2003), 23, 47-49.

regardless of color and to abolish the oppressive institution of slavery along with establishing these rights. The Quakers were some of the most well-known abolitionists. John Woolman made the journey in the 1750s to North Carolina to spread the principles of Quakerism such as abolitionism and found some success according to his journal entries.<sup>35</sup> This is monumental because North Carolina although it did not have the same level of slavery as its southern counterpart was still a slave state relying on agriculture.

There are numerous articles published through various databases that highlight the perspectives of enlightened philosophers that impacted the American founding fathers and their views on slavery. Daniel Luban's article goes into great detail as to the thoughts of Thomas Hobbes.<sup>36</sup> In this article it is argued that Hobbes was an ardent supporter of the belief that slaves had the right to resist oppression violently. As Hobbes was also an influence on the founding fathers it can there be stated that many of the colonists were impacted by this view as well. However due to historical events such as the Stono Rebellion in South Carolina in the 1700s and later the Haitian Revolution, Americans were well aware that armed slaves could present a danger to slave owners. Therefore, Africans had the potential to do harm to them for negative feelings and past wrong doings. This potential was in everyone, but it was at the forefront of the consciousness of the people in the Carolinas and Georgia.

For the Carolinas and Georgia there are few sources readily available that focus on Africans or African Americans during the colonial, time of Rebellion, or during the Early Republic. Daniel Tortora, an early colonial historian, does focus on the Carolinas, the indigenous

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<sup>35</sup> John Woolman, *The Journal of John Woolman With and Introduction by John G. Whittier* (Boston and New York: Houghton Mifflin Company, 1909).

<sup>36</sup> Luban, "Hobbesian Slavery," *ibid.*

population, and Africans during segments of the French and Indian Wars in *Carolina in Crisis: Cherokees, Colonists, and Slaves in the American Southeast, 1756-1763* (2016).<sup>37</sup> However, he does not extend his work to include those groups during the founding era or early Republic. There is a cornucopia of primary documentation regarding the political stance of white southerners towards the status of Africans. *American Eras: Primary Sources* (2015), edited by Jennifer Stock provides some examples which show that fear of slave rebellions and political reprisals often led to oppressive legislation like the Negro Act of 1740.<sup>38</sup> This work focus on selective primary sources from all thirteen colonies.

Robert Weir's *Colonial South Carolina: A History* is a rare work of academic excellence. Weir goes to extraordinary lengths to detail the characteristics that defined the rise of South Carolina as a prosperous colonial power and all that that entails. From the very beginning of the book, Weir takes care to focus his work on the greater narrative of colonial history. This continues until the revolution. He focuses on how South Carolina became a colony that at first would have been one of the most loyal to one that was one of the most patriotic. He also details how society was characterized in South Carolina what roles Africans had and what roles Indians had. Furthermore, Weir also details how various events impacted the progression towards the Revolution and the various paradoxes.

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<sup>37</sup> Daniel J. Tortora, *Carolina in Crisis: Cherokees, Colonists, and Slaves in the American Southeast, 1756-1763* (Chapel Hill, NC, 2015; online edn, North Carolina Scholarship Online, 21 Jan. 2016).

<sup>38</sup> Jennifer Stock, *American Eras: Primary Sources, vol. 7: The Colonial Era, 1600–1754* (Gale, 2015), *Gale eBooks*, [link.gale.com/apps/pub/8MGV/GVRL?u=vic\\_liberty&sid=bookmark-GVRL](http://link.gale.com/apps/pub/8MGV/GVRL?u=vic_liberty&sid=bookmark-GVRL), accessed 2 Sept. 2022.



This includes referencing interactions with native peoples for the purposes of trade, war, and slavery which was originally more relied upon than that of Africans.<sup>39</sup> What is emphasized is that the ‘Indians’ in the Americas was that they “possessed a high degree of sophistication.”<sup>40</sup> This is one of the reasons, along with their sheer population, that colonists were unlikely to have been able to rely upon them for providing both slaves and land. This is something that Jeff Dennis also analyzes more thoroughly in his work *Patriots and Indians*. It is unlike Holloway’s work in that it is extremely detailed when focusing on the subject of African slaves, Indians, and the South Carolinian economy. Of even greater interest is how the author integrates the history of the Carolinas with Georgia. It is evident that the Carolinas had a great impact on Georgia after Oglethorpe’s failed experiment. It was from Carolina after all that the plantation system began to be filtered in through the colony and the economy began to mirror that of South Carolina.

Weir analyzes the correlation between slaves and society in South Carolina in the eighth chapter, “Blacks, Whites, and Slavery.” Weir shows that even before the Stono Rebellion South Carolinian colonists were weary of rebellious slaves from other colonies such as Barbados. Fear of rebellious slaves drove colonial assemblies to lower duties or taxes were imposed on slaves imported directly from Africa with the Duty Act of 1705.<sup>41</sup> Weir also provides more details about the traumatic experience of the passage from Africa and the lodgings of slaves that contributed to the deterioration of health and death.<sup>42</sup> Weir includes in his work details as to what white South

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<sup>39</sup> Robert M. Weir, *Colonial South Carolina: A History* (Columbia, S.C: University of South Carolina Press, 1997), 13.

<sup>40</sup> Weir, *Colonial South Carolina*, 13.

<sup>41</sup> Weir, *Colonial South Carolina*, 174.

<sup>42</sup> Weir, *Colonial South Carolina*, 175-179.

Carolínians viewed as potential acts that would contribute to slave rebellions. One of these was the acknowledgment that sending female slaves away as payment for help in the Yamasee War could incite the male slaves to violence. Thus, no female slaves were sent to Virginia.<sup>43</sup> New information from Weir and other scholarship, such as that written by Jeff Dennis, shows that reliance upon Indian slavery in the Carolinas and Georgia dramatically decreased as a result of the Yamasee War and the Cherokee Wars. These conflicts may have contributed to the end of the enslavement of indigenous people, but they also led to an increase in the enslavement of Africans. They also led to further restrictions on Africans. Slaves, especially if they were black or mixed, were in most colonies prohibited from being armed or even hunting without the permission or the presence of a white man. There were always exceptions. In South Carolina, Queen Anne's War necessitated the service of slaves in the militia and slave owners were compensated for their services.<sup>44</sup>

J. William Harris is Professor of History at the University of New Hampshire. He is the author of *Plain Folk and Gentry in a Slave Society* (1995) and *Deep Souths: Delta, Piedmont, and Sea Island Society in the Age of Segregation* (2001). He has written numerous other works of scholarship on Southern history and slavery. *The Hanging of Thomas Jeremiah: A Free Black Man's Encounter With Liberty* is the most relevant work that he has contributed that will be of use in a dissertation on the topic of the Patriot treatment of Africans and or slaves during the American War of Independence. This work focuses on the experience of one man, a free black

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<sup>43</sup> Weir, *Colonial South Carolina*, 180.

<sup>44</sup> Weir, *Colonial South Carolina*, 80-83; Thomas Cooper and David J. McCord (eds.), *Statutes at Large of South Carolina* (10 vols., Columbia, 1836-1841), VII, 33, 347-351; Benjamin Quarles, "The Colonial Militia and Negro Manpower," *The Mississippi Valley Historical Review* 45, no. 4 (1959): 647-650, accessed February 9, 2023, <https://www.jstor.org/stable/1888715>.

entrepreneur, Thomas Jeremiah, who was convicted and executed according to the South Carolina Negro Law of 1740 passed after the Stono Rebellion, which applied to slaves, not free men and on the basis of dubious testimony.<sup>45</sup> The book also demonstrates that the Patriots were fearful of both the British and slave insurrection, therefore Jeremiah's execution was a show of force. A quick stop to a suspected Rebellion with no proof other than the word of two other supposed conspirators who were let free of severe punishment when naming their accomplice.

Jeremiah's execution served political motivations. Jeremiah was a successful entrepreneur he was a maritime pilot. The Patriots thought that he was capable of piloting for the British. However, Charleston's society respected him. He was a slave owner himself.<sup>46</sup> The fact that he was in the middle of an argument between the Royal Governor Campbell and Henry Laurens both politically powerful men in South Carolina at that time is very significant to historians like Robert Weir, Alan Gilbert, and J. William Harris. Campbell actually advocated for Jeremiah's innocence while Henry Laurens pushed for his guilty verdict. When the guilty verdict came down, Campbell left the colony swearing never to return and the result was that the semblance of South Carolina being a British colony disappeared.<sup>47</sup> At that point, South Carolina

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<sup>45</sup> Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence* (London; Chicago: The University of Chicago Press, 2012), 37-44; "Negro Act of 1740 (Excerpt)," in *The Colonial Era, 1600–1754*, edited by Jennifer Stock, Vol. 7 of American Eras: Primary Sources (Farmington Hills, MI: Gale, 2015), 275-278, *Gale eBooks* (accessed May 1, 2024), [https://link.gale.com/apps/doc/CX3620500100/GVRL?u=vic\\_liberty&sid=bookmark-GVRL&xid=4273d20a](https://link.gale.com/apps/doc/CX3620500100/GVRL?u=vic_liberty&sid=bookmark-GVRL&xid=4273d20a); Douglas R. Egerton, "Chapter 20: Slave Resistance," in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 454; Charles Montesquieu, *The Spirit of the Laws*, trans. Thomas Nugent (New York: Colonial Press, 1899), XII.17; Philip M. Hamer, ed., *The Papers of Henry Laurens*, X. 320; Laurens, Henry, 1724-1792. Correspondence, 1775. (43/366) South Carolina Historical Society. Charleston, SC.

<sup>46</sup> J. William Harris, *The Hanging of Thomas Jeremiah: A Free Black Man's Encounter With Liberty* (New Haven and London: Yale University Press, 2009), 16; Weir, *Colonial South Carolina*, 200-203.

<sup>47</sup> Weir, *Colonial South Carolina*, 325; Harris, *The Hanging of Thomas Jeremiah*, 112-115.

was a Patriot stronghold. It was a Machiavellian move. So not only did Africans or slaves present a disruption in that they could sway the tides of war in Britain's favor by serving in their military as soldiers or spies or even maritime laborers they had a very real political value. What is strange here is that one would assume that southern colonies such as South Carolina and even Georgia could have made the moves to incorporate Africans and slaves into their militias as those in some of the northern colonies did such as Rhode Island and as they had done in the past for the incentive of freedom or property. What prevented them from doing this? It was already established that a small population of free blacks lived in both the Carolinas and Georgia that could own property and even owned slaves. What was the psychology behind this?

Edward Rugemer's *Slave Law and the Politics of Resistance in the Early Atlantic World* is a comparative historical study. This work crosses the legal and political fields of Barbados, Jamaica, and South Carolina. Rugemer demonstrates that South Carolina was the product of Barbados when it came to slavery. However, there were divergence in how these two societies dealt with slaves in the 1700s. The slave society of the Caribbean became more militarized; South Carolina decided on a policy of domestication of slavery.<sup>48</sup> The reasons for this are slightly confusing at first. However, when looking at the geography and the crops grown in these regions as well as the interactions with local peoples the laws and politics began more sensible in the perspective of the eighteenth century.

If the political history of both the Caribbean's and South Carolina is taken into consideration a sense of similarity and difference is apparent. In the Caribbean's which were actually discovered by the Spanish in the fifteenth century there were populations of indigenous

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<sup>48</sup> Edward Bartlett Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge, Massachusetts: Harvard University Press, 2018), 75-170.

people who were mostly wiped out by Spaniards due to pathogens and slaughter. The Europeans of course brought in white indentured servants prior to African slaves. There existed both law codes for indentured servants and slaves which did not specify race but did identify punishments and rewards for honesty.<sup>49</sup> This typically meant that if someone informed on a runaway servant or slave then they were set free and given so many pounds of sugar as a form of currency.

The Carolinas were permanently settled by the English in the late seventeenth century. However, the Spanish did attempt to colonize the area in the late 1560s. Primary sources indicate that local indigenous people killed the Spaniards to avoid being taken as slaves.<sup>50</sup> These people were successful in part because of the geography, their sheer population, and the fact that they were politically sophisticated. These facts became even more apparent during the Yamasee War and the Cherokee Wars. After these conflicts the native enslavement in the Carolinas and Georgia dropped significantly. Which is one reason why this dissertation will focus on Africans and women. Native Americans and their connection to the conflict would require more study and their inclusion in this work would be too broad of a focus. It would eclipse the enormity of the significance of African Americans and women during this era.

The Caribbean's were island nations with tropical climates and grew sugar cane. Cultivation of sugar cane was labor-intensive and required specialized infrastructure for processing. There were the numerous buildings involved in the production and harvesting of sugar cane such as the horse powered mills which if a slave made one mistake would result in the

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<sup>49</sup> Rugeimer, *Slave Law and the Politics of Resistance*, 25, 30.

<sup>50</sup> "James Moore to Edward Randolph, March 1, 1698/1699," in *The Boisterous Sea of Liberty: A Documentary History of America from Discovery through the Civil War*, eds. David Brion Davis and Steven Mintz (New York: Oxford University Press, 1998), 153.

loss of an arm and therefore the loss of a useful laborer.<sup>51</sup> In South Carolina where a more moderate climate existed there was a more diverse array of crops grown such as rice, indigo, and later cotton which was more labor intensive but not the focus of this study.

Rugemer argued that Jamaica practiced a militarized form of control and South Carolina tried to enforce domesticated slavery. In a comparative study this is valuable even in analyzing slavery in the time of the War of Independence. The revolts that took place in Jamaica would have increased the fears of South Carolinians.<sup>52</sup> They most certainly would have known about them as most of the prominent families had come from Barbados and Jamaica, as had slaves. The difference in the late seventeen hundreds in South Carolina was that by this time, most slaves were born in the colonies not the Akan military states of Africa.<sup>53</sup> In Jamaica and Barbados, most slaves originated from Africa. Did the ability of Africans and Indians to create a community influence patriotic fears during the War of Independence, especially with promises of liberty being made by the British?

James Farr's articles "Locke, Natural Law, and New World Slavery" and "'So Vile and Miserable an Estate': The Problem of Slavery in Locke's Political Thought," provide valuable insights as to the correlation between justified slavery and natural law which many of the Patriot leaders cited or referenced liberally in their pursuit of "life, liberty, and happiness." Farr

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<sup>51</sup> Rugemer, *Slave Law and the Politics of Resistance*, 19.

<sup>52</sup> Rugemer, *Slave Law and the Politics of Resistance*, 68-69, 159.

<sup>53</sup> Rugemer, *Slave Law and the Politics of Resistance*, 41-43, 48, 69, 121, 166-167.

demonstrates that Locke saw justified slavery as a consequence of a just war.<sup>54</sup> In this Locke followed the philosophy of Hugo Grotius.

Farr observes the evolution of Locke's ideology and his divergence from previous philosophies in the article "Locke, Natural Law, and New World Slavery." Aristotle influenced Locke, but Locke simultaneously differs from him in his ideas of slavery. And the same could be said of the influence of Hugo Grotius on John Locke. Unlike Grotius, Locke severely restricted just war theory of slavery making it inapplicable to the Americas.<sup>55</sup> Being that John Locke, has been called "the father of modern liberalism" it begs the question of did he believe in slavery? This question must be asked because his philosophies were of great influence on the founding generation, particularly that of Thomas Jefferson who paraphrased his wording in the Declaration of Independence.<sup>56</sup> John Locke had most certainly believed in slavery.<sup>57</sup> He just did not believe in inherited slavery; he did not believe in selling oneself into slavery.<sup>58</sup> But did this apply to slavery in the Americas? According to Farr who provides ample evidence and convincing arguments, Locke was against slavery on "his island," not in America.<sup>59</sup> Was Locke a racist?

He believed that slavery was the result of a just war. Until the Fundamental Constitutions of the Carolinas were drafted, John Locke never even gave mention of the concept of racial

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<sup>54</sup> James Farr, "Locke, Natural Law, and New World Slavery," *Political Theory* 36, no. 4 (2008): 501, <http://www.jstor.org/stable/20452649>.

<sup>55</sup> Farr, "Locke, Natural Law, and New World Slavery," 495, 504, 512-513.

<sup>56</sup> Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence* (London; Chicago; The University of Chicago Press, 2012), 12-13.

<sup>57</sup> Paul Finkelman, "Chapter 19: United States Slave Law," in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 425.

<sup>58</sup> Farr, "Locke, Natural Law, and New World Slavery," 503-504.

<sup>59</sup> Farr, "Locke, Natural Law, and New World Slavery," 507-508.

slavery. However, as he was a shareholder in the one of the trading companies, he did profit from slavery indirectly even though he did not own slaves himself.<sup>60</sup> All things considered John Locke and most of the enlightened thinkers that had an impact on the founding generation certainly influenced how people conceived of the idea of liberty and that of freedom. These ideas were also contradictory in that they only seem to apply to one group of people. Were these philosophies actually applied in the lives of Americans? No, otherwise the practice of inherited slavery would have then quickly ended. However, even though Locke did identify the race of slaves in the Fundamental Constitutions, he also advocated for less stringent treatment of both slaves, be they African or Indian, and for more severe punishments of slaveholders who maimed or indiscriminately killed those under their care.

Watson Jennison's *Cultivating Race: The Expansion of Race in Georgia, 1750-1860*, takes a unique stance on the subject of "the evolution of the racial order in Georgia."<sup>61</sup> The work builds upon the work of Edward Morgan and Peter Wood. *Cultivating Race* places Georgia in comparison to South Carolina and Virginia with regards to racial ideology. Jennison argues that although fear of insurrection had an impact on the passage of slave laws and the development of white racial attitudes, "long-term structural and demographic changes played a more significant role in shaping the evolution of the racial order in Georgia."<sup>62</sup> To do this Jennison begins by telling the story of a black 'Revolutionary' War veteran, Austin Dabney. It is clear that Dabney is

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<sup>60</sup> Farr, "Locke, Natural Law, and New World Slavery," 497; Thomas D. Wilson, *The Ashley Cooper Plan: The Founding of Carolina and the Origins of Southern Political Culture* (Chapel Hill: University of North Carolina Press, 2016), 44-46.

<sup>61</sup> Watson W. Jennison, *Cultivating Race: The Expansion of Slavery in Georgia, 1750-1860* (Lexington: University Press of Kentucky, 2012), 1-10.

<sup>62</sup> Jennison, *Cultivating Race*, *ibid.*



an exception, not the rule. However, he was rewarded handsomely for his service with land, money, and respect of local white people. Decades later he observed many restrictions that had not been in place previously. This was symptomatic of long-term changes in Georgia.

Jennison is very chronological in his study. The first chapter is on the founding of Georgia as a utopia that later became a planter society.<sup>63</sup> In this chapter it is clear that the charter for Georgia as a free colony was not altogether altruistic. It was created as a buffer zone between the English colonies and those of the Spanish.<sup>64</sup> The book also provides information as to the pro slavery arguments posed by people like Thomas Stephens and Patrick Tailfer. Thomas Stephens actually drew the attention of the English Parliament in his complaints against Georgia and there are bans on slavery and thus was instrumental in removing Oglethorpe from office. Tailfer bolstered the South Carolinian plantation society in Georgia through his narrative. There was an economic motivator in the renouncing of the slavery ban in Georgia. This was contrary to the original colonial charter and the desires of several religious groups residing in Georgia.

Jennison provides information on the origins of the slaves coming to Georgia and for what purpose. They came from regions in Africa known for rice cultivation and that men and women from these regions were instrumental in helping to continue successful harvest in Georgia contributing to an economic boom in the colony. A task system managed slaves in the southern colonies, which differed greatly from the gang labor system in the Chesapeake region.<sup>65</sup>

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<sup>63</sup> Jennison, *Cultivating Race*, 11-40.

<sup>64</sup> Jennison, *Cultivating Race*, 15.

<sup>65</sup> Jennison, *Cultivating Race*, 30-31; Daniel C. Littlefield, "Chapter 9: Colonial and Revolutionary United States," in *The Oxford Handbook of Slavery in the Americas*, ed. Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 213.

Because they were under a task system rather than a gang system, they had a great deal more freedom. By being under a task system when they were finished with their task, they were free to do as they pleased. Under a gang system they were required to work a certain number of hours each day under the direct supervision of a white overseer and could not spend their time without expressed permission from their owners or overseers to do what they would have liked. As an indirect result of this was that there was an emergence of the black markets in both Georgia and South Carolina. African slaves were also able to sell their own goods and save up to buy their freedom as a result of these markets.

As the domestication policy of South Carolina and Georgia is of particular interest especially in comparison to the more militant aspect of the Chesapeake and Barbados regions. It is important to note how there seemed to be a concern for the well-being of slaves. At least within this particular book. Jennison notes that a particular owner felt genuine grief when one of his female slaves passed and that he felt she was a member of the family. Little is known about whether or not she felt that they were part of her family.<sup>66</sup> Not every planter adopted this humanitarian reformist ideology as evidenced by the many advertisements for slave runaways with descriptions of purposeful mutilation.

Jennison also devotes a significant portion of his book to the native peoples of Georgia and their role in the development of race relations. As poor Georgians moved further into the interior, the more native land was lost, and more interaction was with opposing groups. He also demonstrates in "Borders of Freedom," that the alliances between Africans, British, and Indians

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<sup>66</sup> Jennison, *Cultivating Race*, 34-37.

from the Seminoles and Creeks represented a great threat to the system of slavery and to westward expansion:

The United States fought in four military conflicts on the Georgia-Florida border in the span of seven years: the Patriot War from 1812 to 1813, the Creek Civil War from 1813 to 1814, the War of 1812, and the Seminole War from 1817 to 1818. Most scholarship on these wars treat them separately, as isolated phenomena outside the American experience. These four conflicts, however, were the products of tensions created by continued American expansion, which repeatedly exploded into violence. Though the British and the Americans initiated the War of 1812 far from Georgia's borders, the hostilities in Georgia quickly adopted the pattern of previous conflicts. In all of these conflicts, the incessant incursions of settlers from Georgia onto lands south and west of the state upset the already fragile relations with their Spanish and Indian neighbors. Though commonly portrayed as isolated Indian-white disputes in the historiography, these wars included blacks as pivotal players.<sup>67</sup>

This one passage helps bring together much of the scholarship on the development of race relations immediately after the American War of Independence. There was a fort that was heavily manned and would have prevented any attempt at the retrieval of slaves. It was also apparent that slaves had no problem joining Georgia's enemies if it meant their freedom, an action that would have increased white slave owners' fears of insurrection.<sup>68</sup> They became aware of the capabilities of armed slaves. It was not unlike the reaction to the Stono Rebellion or the Haitian Revolution. When Georgia's white population grew in the 1820s and 1830s the ability for Georgia's slaves to escape to freedom became far more difficult. As the white population grew natives began losing ground and could no longer provide refuge for runaways. Jennison's work is very thorough. It is important and concise. Offering many avenues of thought and research. One question that has arisen more prominently is how did Slavery developed

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<sup>67</sup> Jennison, *Cultivating Race*, 157-188.

<sup>68</sup> Jennison, *Cultivating Race*, 161-164, 166.

differently in the Spanish colonies which would promote free black communities? It is noted that in Florida, Africans lost freedoms after being absorbed into the United States.

One of the first academics too published on the topic of African Americans and their significance in American history is that of William Cooper Nell. In 1855, William Cooper Nell wrote and published *The Colored Patriots of The American Revolution*.<sup>69</sup> This work was and is extraordinary. In this work, there are several biographical sketches of African American men who were revolutionaries in the American War of Independence and even the War of 1812. This work also contained within its pages the numerous obstacles that had to be overcome. However, there are some issues. Nell was writing from the perspective of an abolitionist. In areas of Nell's work, it is obvious that bias towards slavery is more than evident. In the section on South Carolina, the entry of on Jehu Jones, a Charleston abolitionist and black man, mentions that William Nell's father was one of his apprentices.<sup>70</sup> In recounting the trials held against African American men now frequently asserts that the only reason that they were found guilty was because of the color of their skin. The 1817 trial against a sea cook accused of poisoning a man at sea with the acquittal of a cabin boy is demonstrative of this as well. The evidence against the man was that he was the cook, he had access to the food, and neither he nor the cabin boy were to be part of the mess or the activity of eating with other men on board. Nell does not describe why the cabin boy was acquitted and the cook was not. There was no way for the cook to determine that that specific man would receive a poisoned food. It is also possible that the food was not poisoned but the man was already sick or simply got food poisoning. Nell also gives a

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<sup>69</sup> William C. Nell, *The Colored Patriots of the American Revolution, With Sketches of Several Distinguished Colored Persons: To Which is Added A Brief Survey of the Condition and Prospects of Colored Americans* (Boston: Robert F. Wallcut, 1855).

<sup>70</sup> Nell, *The Colored Patriots of the American Revolution*, 244-246.

brief summary of Denmark Vessey.<sup>71</sup> Very little information is given about the colored Patriots of Georgia during the American Revolution. This may be due to the fact that very little was known, and that Georgia was very reluctant to allow people of color to enlist in the Patriot Army and Navy. Benjamin Quarles, Douglas Egerton, and many others built upon his work.

Douglas Egerton wrote many works regarding race and history during the time of the American War of Independence. These works are secondary however they do provide some primary documentation that is useful in evaluating the trajectory of a social revolution with regards to race in America. These works political ideology behind African serving in a conflict that initiated because of Britain's oppression of the colonists. In *Death or Liberty* (2009) He highlights the hypocrisy present in the colonial philosophies on liberty and freedom, emphasizing that colonists were oppressors themselves.<sup>72</sup> Some of the contemporary pamphlets and news articles which circulated the southern colonies provide evidence of the colonists thought process.<sup>73</sup> Even Thomas Paine's *Common Sense* and other enlightened philosophies demonstrated to the American revolutionary generation that they could not afford to be hypocrites themselves otherwise it would lead to civil war. Historian Huw David's seminal work, *Trade, Politics, and Revolution: South Carolina and Britain's Atlantic Commerce, 1730-1790* (2018), on the economy of South Carolina demonstrates that ideas of freedom and liberty did not extend to Africans.<sup>74</sup> The main sentiment here is that women and African Americans though they

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<sup>71</sup> Nell, *The Colored Patriots of the American Revolution*, 239-240, 253-255.

<sup>72</sup> Douglas Egerton, *Death or Liberty: African Americans and Revolutionary America*, *ibid.*

<sup>73</sup> Douglas R. Egerton, *Rebels, Reformers, and Revolutionaries: Collected Essays and Second Thoughts*, 5; Douglas Egerton, *Death or Liberty: African Americans and Revolutionary America*, 75, 85.

<sup>74</sup> David Huw, *Trade, Politics, and Revolution: South Carolina and Britain's Atlantic Commerce, 1730-1790* (Columbia: University of South Carolina Press, 2018).

participated in the War for Independence did not live lives that were significantly changed immediately following the end of the conflict.

Douglas Egerton and David Huw are both writing in modern times. Both have published works in the last ten years on this subject and have based their arguments on the interpretations offered by preceding scholars, notably William Nell and Benjamin Quarles. However, these works are large conceptual pieces of scholarship that really focus on the African experience as a whole during the ‘Revolutionary Era.’ David’s work does provide more analysis as towards the role of Africans in South Carolina during the late eighteenth century and how the economy impacted their situation. There are some historians and scholars from other fields which concentrate on the subject of Africans from the Carolinas and Georgia.

Historians such as Jeff W. Dennis, Michelle LeMaster, Emily Blanck, Kenneth Coleman, Joseph Ellis, Jim Piecuch and many others have written works on the subject of the War of Independence with particular focus on the contributions made by Africans and Indians in the Carolinas and Georgia.<sup>75</sup> Joseph Ellis called the Revolution a “group portrait,” even though the contributions made by people other than white men of higher socioeconomic classes were woefully overlooked until recently.<sup>76</sup> Jim Piecuch in *Three Peoples, One King: Loyalists, Indians, and Slaves in the American Revolutionary South, 1775-1782* (2010), offers a more

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<sup>75</sup> Joseph Ellis, *American Creation: Triumphs and Tragedies in the Founding of the Republic* (New York: Knopf Doubleday, 2007); Jeff W. Dennis, *Patriots and Indians: Shaping American Identity in Eighteenth-Century South Carolina* (Columbia, S.C.: The University of South Carolina Press, 2017); Emily Blanck, *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts* (Athens: University of Georgia Press, 2014); Kenneth Coleman, *The American Revolution in Georgia, 1763–1789* (Athens: University of Georgia Press, 2021); Jim Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the American Revolutionary South, 1775-1782*, *ibid*; Michelle LeMaster and Bradford J. Wood, *Creating and Contesting Carolina: Proprietary Era Histories* (Columbia, South Carolina: University of South Carolina Press, 2013).

<sup>76</sup> Joseph Ellis, *American Creation*, 16-17.

rounded view of the contributions made by Africans and Indians as well as Loyalist and Patriots in the South. This work is particularly useful in that it concentrates on regional history. It is a work that encompasses Georgia the Carolinas and parts of Virginia. Kenneth Coleman and Andrew Jackson O'Shaughnessy in *The American Revolution in Georgia, 1763–1789* (2021), offer a detailed narration of the revolution in Georgia. This work briefly touches upon the involvement of Africans and the ideological crisis surrounding their involvement. It is interesting that this work was completed in 2021, thus illustrating the relative lack of work completed on the subject of Georgia in the Revolution let alone Georgia, Africans, and revolutionary rhetoric.

Jeff Dennis in his work *Patriots and Indians: Shaping American Identity in Eighteenth-Century South Carolina* (2017) focuses more on the involvement of Indians in the revolutionary conflict.<sup>77</sup> He does not focus on Africans and their service. However, he is very careful to demonstrate in his first chapter that Native Americans were is simply one group of people that have made contributions and that there were others.<sup>78</sup> He also focuses on South Carolina. There is analysis completed on the social and cultural identity of people in South Carolina which also included white and black Americans as a result of economic interaction and military service. His argument was that the interactions between the American Patriots and the Native Americans had a very large role in shaping the identity of people in the Carolinas and also during the 'Revolutionary Era.' The American War of Independence had a very large impact on shaping the identity of all Americans. The identity of Africans, Native Americans, women, and white men of

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<sup>77</sup> Jeff W. Dennis, *Patriots and Indians*, *ibid.*

<sup>78</sup> Dennis, *ibid.*, 11, 47.

lower social class began to have more opportunities. Their participation in the conflict made it so that their identity had shifted from what it was in the years before.

Emily Blanck in *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts* (2014) offers a comprehensive legal history of the development of slave laws in two very different colonies.<sup>79</sup> She highlights how both Northern and the Southern colonists owned slaves during the colonial era and into the revolutionary time. What makes this work so great is that it traces the development from colonial times through the ‘Revolutionary Era’ and into the time of the new nation where slave law divided. That is where there was a real difference in how slavery was viewed at that particular time.

Robert Weir is an American historian and educator. His work focuses on colonial and ‘revolutionary’ political, cultural, and intellectual history. *Colonial South Carolina: A History* (1997) is an excellent example of a condensed regional history. Weir demonstrates that South Carolinians actually practiced a diverse degree of economic and political institutions. For example, the institution of slavery was made up of both Africans and indigenous peoples. Africans were mostly imported from a specific region in Africa now called Angola.<sup>80</sup> What this meant was that there was a continuance of African culture and community that permeated South Carolina and even North Carolina to an extent. The same can be said of Native Americans although many Native Americans were actually exported for slavery in order to discourage rebellion and to cause the indigenous people to be unbalanced due to unfamiliarity with

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<sup>79</sup> Emily Blanck, *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts*, 16-17.

<sup>80</sup> Robert M. Weir, *Colonial South Carolina: A History* (Columbia, S.C: University of South Carolina Press, 1997), 178.



geography and lack of communication with their own families. South Carolina did have a large community of mixed families that provided deeper familiar routes and led to cultural continuity. In turn this may have led to a systematic sympathy with enlightened ideals regarding freedom and abolitionist movements during the time of the American War of Independence. Georgia's population of Africans was much the same, however due to the interaction and proximity to Spanish controlled Florida many Africans and indigenous peoples ran to join the more liberal Spanish to gain freedom.

Dr. Robert Olwell is the associate professor of history at the University of Texas. He earned his PhD from Johns Hopkins University in 1971. His focus and research lie in the eighteenth century British Atlantic and the American South with a narrower focus in the history of slavery, the early abolitionist movement, and the American Revolution. His publication *Masters, Slaves, and Subjects: The Cultures of Power in the South Carolina Lowcountry, 1740-1790* and *Cultures and Identities in Colonial British America* are excellent examples of academic works in race relations. The article "‘Domestick Enemies’: Slavery and Political Independence in South Carolina, May 1775-March 1776," is an exemplary source of information to use in a dissertation. The article seems to focus more on the concept of the demon of rebellion, which was introduced by Dr. George Milligan a man who lived during the period of the Revolution. The term demon of rebellion referred to the threat of enslaved blacks or ‘domestic enemies’ which is a reference made by Thomas Jefferson in his *Causes and Necessity of Their Taking Up Arms*. This article demonstrates through the use of various primary sources that in southern colonies specifically South Carolina, people did not want slaves or non-white people to be armed

and to fight because they feared insurrection.<sup>81</sup> They had already experienced the Stono Rebellion in the 1730s. They also knew that there was a significant population differential. This particular source is very useful in that it provides intimate detail as to contemporary thoughts of South Carolinians regarding oppositions to the proposals made by people such as John Laurens request for enslaved or freed blacks to enter militia on the side of the Patriots.

Dr. Peter Kent Opper received his doctoral degree from the University of North Carolina at Chapel Hill. The article “North Carolina Quakers: Reluctant Slaveholders” is very unique in that it focuses on a specific group of people and how they dealt with slavery despite colonial and state laws regarding property and restrictions. The article demonstrates that Quakers did have slaves in North Carolina despite their religious teachings in equality.<sup>82</sup> Furthermore, Opper carefully shows that originally when Quakers petitioned the standing committees in North Carolina that they should be able to emancipate their slaves based on religious beliefs, their petitions were met with approval. This approval had been in conjunction with earlier colonial statutes that stated a slave could not be freed, except for meritorious services to be adjudged by the county court. Opper pays a great deal of attention to the yearly meeting minutes which or the accounts of the friends in North Carolina and which document the various changes occurring in the Quakers ideology regarding in slaved peoples. The article also demonstrates how the Quakers were able to circumvent bans on manumissions. The article demonstrates the problems which the Quakers faced in implementing programs that would guarantee the freedom of Africans. People

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<sup>81</sup> Robert A. Olwell, “‘Domestick Enemies’: Slavery and Political Independence in South Carolina, May 1775-March 1776,” *The Journal of Southern History* 55, no. 1 (1989): 21–48, <https://doi.org/10.2307/2209718>.

<sup>82</sup> Peter Kent Opper, “North Carolina Quakers: Reluctant Slaveholders,” *The North Carolina Historical Review* 52, no. 1 (1975): 37-39, <http://www.jstor.org/stable/23529510>.

often left slaves in the custody of the Quakers without providing the means of care. The result of which, by law was confiscation by colonial and later state officials for resale.

This article is very significant in that it traces the evolution of the Quakers commitment to the abolition of African enslavement from the mid eighteenth century to the mid-nineteenth century. It accounts for both successes and failures. The problem with this article is that it focuses on the Quakers and not on other abolitionist groups in North Carolina at that time that could have been operating independently. Were there any individual manumissions of slaves of note? Probably not because of the bans that required meritorious service. Though some of the more consciousness may have gifted their slaves to the Quakers. This requires more research. Also requiring more research would be north Carolina's leaderships thoughts on the issue of slavery during the revolution. As the laws demonstrate in the time of the 1780s there were bans on manumissions with a few exceptions how then did the Enlightenment that informed revolutionary thought inform those in North Carolina?

There were many methods by which slaves could obtain freedom in the Colonial Era, 'Revolutionary Era,' and immediately afterwards. A few works emphasize specific methods and societal reactions; *Slave No More: Self-Liberation before Abolitionism in the Americas* (2019) by Aline Helg and Lara Vergnand, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (2002) by Richard S. Newman, *City of Refuge Slavery and Petit Marronage in the Great Dismal Swamp, 1763–1856* (2020) by Marcus Nevius, *Eighty-Eight Years: The Long Death of Slavery in the United States, 1777-1865* (2015) by Patrick Rael, and *Fire on the Water: Sailors, Slaves, and Insurrection in Early American Literature, 1789-1886*

(2019) by Lenora Warren.<sup>83</sup> These five books have been published within the last twenty-one years. This makes them extremely recent when comparing previous scholarship on the subject of slavery during the ‘Revolutionary Era.’<sup>84</sup> Each of these works also acknowledge in some way that from the time of the 1770s until approximately the 1830s there was an era of silence on the topic of emancipation of slavery, while still admitting that there were times where there were mass abolitionist activities and smaller little known ones.

The work by Aline Helg and Lara Vergnaud, *Slave No More: Self-Liberation before Abolitionism in the Americas* (2019) is extremely interesting because it looks at the four primary methods of liberation prior to the abolitionist era in America. These four methods were flight and marronage, emancipation, military service, and revolt.<sup>85</sup> What is omitted is what is described as the ultimate and most complete form of liberation, suicide, because the author believed that it will lead to more metaphysical avenues of discussion rather than provable fact.<sup>86</sup> Flight and marronage are discussed in depth here as well as in another work by Marcus Nevius. This method is particularly related to the dissertation in that the geographical conditions of the Carolina colonies and even Georgia would enhance the ability of slaves to successfully secure

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<sup>83</sup> Aline Helg and Lara Vergnaud, *Slave No More: Self-Liberation before Abolitionism in the Americas*, trans. By Lara Vergnaud (Chapel Hill: The University of North Carolina Press, 2019); Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002); Marcus P. Nevius, *City of Refuge: Slavery and Petit Marronage in the Great Dismal Swamp, 1763–1856* (Athens: The University of Georgia Press, 2020); Patrick Rael, *Eighty-Eight Years: The Long Death of Slavery in the United States, 1777-1865* (Athens: University of Georgia, 2015); Lenora Warren, *Fire on the Water: Sailors, Slaves, and Insurrection in Early American Literature, 1789-1886* (Lewisburg, Pennsylvania: Bucknell University Press, 2019).

<sup>84</sup> Aline Helg and Lara Vergnaud, *Slave No More*, 7.

<sup>85</sup> Aline Helg and Lara Vergnaud, *Slave No More*, 3.

<sup>86</sup> Aline Helg and Lara Vergnaud, *Slave No More*, 3.

freedom in rural regions or navigate to Spanish America where freedom was more easily obtained.

In the first chapter of the book there is great focus on the origins of Africans specifically for the purpose of slavery and their destinations. There is even a graph provided which demonstrates the percentage of slaves going to the American colonies, French Antilles, the Caribbean, and etcetera. What this graph particularly shows are that from the year 1501 to 1866 the percentage of Africans disembarked from Africa for the purpose of slavery to the United States was 3.7% out of 10,538,000.<sup>87</sup> The graph even shows the percentage of slaves that came to the out of the British Caribbean controlled by the British amounted to over 20% of 10,538,000. Given that many of the southern colonies in the North American, received slaves transported from British controlled Caribbean colonies would it not also skew this statistic? This graph further illustrates the arguments made by Edward Rugermer, that Because many of the early bonded people came to the Carolinas and from the Carolinas to Georgia from Barbados, a colony which had obtained slaves from the Gold Coast and from regions in Africa known for being very militant and very technologically advanced in the knowledge of rice cultivation, as well as rebellion there was a firm influence in slave law.

Self-purchase and military service was known to be very limited according to the authors of this book. Like Gary Nash and a few other authors, Aline Helg and Lara Vergnaud demonstrate that these methods had been around since the very first slave ships arrived in Hispaniola, longer really as they existed in Roman times and codified to be adopted into the

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<sup>87</sup> Aline Helg and Lara Vergnaud, *Slave No More*, 18-19.

Iberian legal tradition.<sup>88</sup> It was limited because each colony had its own process. It also depended on the historical context. Manumissions as a result of military service often came about because militias often lacked men to volunteer. It always seemed to come down to Africans serving in place of their masters in return for freedom.

The appeal of this work is even more apparent in its discussion of the historiography in the introduction itself. The authors detail the conflicting arguments between various historians, including Tannenbaum and Kenneth Stampp; even providing an overview of the subject from different historical schools of thought. There is even a comparative angle between slavery in North America and South America answering the question of was slavery crueler in one location or the other. This work is extremely valuable as a source. However, it is also very broad. The work by Marcus Nevius, *City of Refuge* is more narrowly defined in terms of the region in which this dissertation will be focused.

In *City of Refuge: Slavery and Petit Marronage in the Great Dismal Swamp, 1763–1856* (2020), Marcus Nevius provides a work that is more central to the topic of continuity and change with regards to slavery in the late 1700s and early 1800s. The focus is on the Great Dismal Swamp area which lies in a portion of Virginia and North Carolina. Furthermore, he relies on a great deal of primary source evidence such as pamphlets, correspondence, court documents, and even record books of slave owners. In an era in which slaves or even free people of color, did not typically leave their own literary history behind this information is indispensably valuable. It is more about what is not there than what is. There is contained within this work mentions of

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<sup>88</sup> Ibid; John Garrigus, “Chapter 8: French Caribbean,” in *The Oxford Handbook of Slavery in the Americas*, eds. Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 186-187; Daniel C. Littlefield, “Chapter 9: Colonial and Revolutionary United States,” in *The Oxford Handbook of Slavery in the Americas*, eds. Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 205, 207-209.

individual stories that would not have otherwise been known to a wider audience such as a black man who had lived in the Great Dismal Swamp of North Carolina for a period of thirteen years and made a living by making musical instruments and subsistence farming, a story which was contained in a traveler's book written by two men.<sup>89</sup> This is just one example of what can be learned about these people that lived in this region.

Nevius also focuses on what is known as the *petit marronage*. This is another word for small extrication of oneself from slavery. Nevius emphasizes all the reasons why slaves and mulattos would prefer to travel to the Great Dismal Swamp area. For one thing it was very difficult to transverse by wagon train or by any other method except by foot.<sup>90</sup> It was also a very dense camouflaged area meaning that refugees slaves could easily elude people trying to recapture them and return them to the chains of slavery. It is interesting that his title separates slavery and this word. However as one continues to read the work it is realized that there was a form of bondage between lower class whites and elites. In a way it could be argued that for a person or family of a lower-class status to have a sense of freedom they would have to journey further West into the mountainous regions or into the swamplands where there was less government oversight. This suggests that a link existed between the Regulator Movement, which began in North Carolina in the western region, and South Carolina. It is shown that at least one person in the 1700s made the observation that there was a concern that the mulattos that resided

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<sup>89</sup> Marcus P. Nevius, *City of Refuge*, 38-41, 57.

<sup>90</sup> Nevius, *City of Refuge*, 32-33.

in the swamp were being taken advantage of by the white population in the area, which was comprised mainly of Scots Irish, that person being William Byrd II.<sup>91</sup>

Nevius utilizes the story of Moses Grandy and his endeavor in the lecture halls of the abolitionist in the late 1700s to demonstrate the firsthand circumstances of slavery in the Great Dismal Swamp. This account was very real, it also provided information about Grandy's own method of freedom. Grandy purchased his own freedom three times.<sup>92</sup> Grandy took his last name from his first owner, Billy Grandy. The story that Moses provided of how his mother would hide his siblings in the forest in the survival techniques that she taught them to survive is particularly intriguing as it relates to how slaves were technologically sophisticated. She knew how to purify water to make it safe for drinking.<sup>93</sup> Slaves that came over from Africa were also well known to have been experienced in the cultivation of specific crops such as rice and indigo.

*City of Refuge* reveals that during the time of the so-called American Revolution, slave flight into the West increased. What also increased during the 1790s was an uptick in private manumissions supported by the Quakers of North Carolina.<sup>94</sup> Nevius supports his claims with the use of slave advertisements from archives and those that were used in collections. Another benefit of this work is that he draws attention to the works of other historians such as John Hope Franklin and Loren Schenwinger, whose book *Runaway Slaves: Rebels on the Plantations*, showed that fugitive slaves did not escape to distant lands as previously thought.<sup>95</sup> To further

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<sup>91</sup> Nevius, *City of Refuge*, 20, 31, 41.

<sup>92</sup> Nevius, *City of Refuge*, 85, 96.

<sup>93</sup> Nevius, *City of Refuge*, 72-73.

<sup>94</sup> Nevius, *City of Refuge*, 54-56.

<sup>95</sup> Nevius, *City of Refuge*, 57.



illustrate why this was not plausible Nevius emphasizes the different colonial and state laws in place during the 1700s and early 1800s which made it almost impossible for fugitive slaves to successfully maintain their freedom in different regions without substantial help.

*Eighty-Eight Years: The Long Death of Slavery in the United States, 1777-1865* (2015) by Patrick Rael, is a relatively recent publication. It is also one of the most relevant in terms of history of abolition in the United States as demonstrated by its title. The fact that it begins in 1777 is interesting but because it is a history of the death of slavery in the United States this makes sense because it would have been named something else to have been more accurate. I would stipulate that it is no coincidence that the date of 1777 and emphasis on the *long death* is very important in terms of the ideological aspect of slavery in relation to the establishment of the United States. the fact that so much emphasis is placed on the long death is it interesting because it only took a few short years for the so-called Revolutionary War to take place and for the United States of America to be established and for its citizens to be protected under a constitution. The emphasis here is on the citizens. Africans, Native Americans, women, and to a certain degree men of lower socioeconomic status were not included in the definition of a citizen at the time of the early Republic. Whether or not they were considered citizens in the southern states is a question to be asked and answered. Just as in the colonial era, the states up until at least the Civil War were not cohesive in their politics.

This work also answers or attempts to answer questions apropos the concepts of liberty and freedom during the colonial and 'Revolutionary Era.' In the first part of the book, it is stated that it was Edmund Morgan who suggested that "radical notions of liberty emerged in the

colonies alongside, and indeed because of, the development of slavery.”<sup>96</sup> This argument is placed in context with sermons and other primary source documents. One of them is by Samuel Johnson. What can be inferred here is that in the American colonies the upper echelons of society, the plantation owners could afford to preach about liberty, they had it. However, slaves did not they were non-entities. What can be inferred from this is that during this era to be enslaved was to be considered a non-person. This was the worst-case scenario. The best-case scenario was that a slave equated liberty with privilege. It was a class struggle. It was also one in which even the British understood to be a hypocritical nature in America.<sup>97</sup> The question is whether or not American Patriots recognize this hypocrisy especially in slavery and the connection with just war as well as the concept of earning one's freedom through service? American Patriots whether they be white, African, or indigenous we're fighting against a tyrannical king one who was very oppressive to them. They equated the British government in the colonies as being one that would place them into slavery. This work also poses another question of interest. What did the revolution signify for the enslaved people? According to the book the revolution posed a problem of loyalty. This is obvious in that many slaves deflected. Many served in Dunmore's Ethiopian regiment. However, some Africans served on the Patriot side in the Rhode Island regiment. Some even served in the various state militias. What did it mean after the conflict ended?

Lenora Warren has made a very conscientious effort to connect true history and literature with the topic of slaves and insurrection in the eighteenth and Nineteenth centuries. *A Fire on*

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<sup>96</sup> Rael, *Eighty-Eight Years*, 54-56.

<sup>97</sup> Rael, *Eighty-Eight Years*, 54-56, 62-63, 67-78.

*The Water: Sailors, Slaves, And Insurrection In Early American Literature, 1789-1886* is exceptional in that it combines historical figures with fictitious literary heroes to emphasize the society of fear that ran rampant throughout America. Furthermore, it is also concentrated on the narrower topic of naval insurrections and how fears propagated society through literature. In this work Denmark Vassej as well as Olaudah Equiano, are heavily featured.<sup>98</sup> This book emphasizes the many ways in which literature was used to escalate fear amongst white slave owning elite and further suppress abolitionist activity and oppress Africans. Warren shows that in the eighteenth and seventeenth century there was a continuation of the idea that slaves or free Africans would eventually rise up and do harm to slaveowners and people involved in the institution of slavery. It was a form of counter-revolutionary action. It was firmly against the revolutionary ideas of liberty and freedom. This work will not be featured heavily in the dissertation but as it does relate to South Carolina, and major characters that were instrumental in South Carolinian history it is informative of the psychological make-up of the people. Literature imitated life, it revealed what people thought and observed on a daily basis. Literature provides significant insights into a nation's culture and social past. This book therefore is extremely valuable in analyzing the lives of enslaved people and the people who would be free in a time of revolution and time in which ideologies dictating liberty and freedom only applied to a few.

There were precursors to the American War of Independence, and they did have connections to the institution of slavery. Within the American colonies prior to the 1770s there had been a tradition of self-governance in the era known as salutary neglect when Britain had

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<sup>98</sup> Warren, *Fire on the Water*, 22-88.

taken a step back from colonial interest.<sup>99</sup> Britain as a whole had not imposed strict control over colonial economic activity nor politics. This was even demonstrated in the lack of imposition of the Navigation Acts of the 1650s.<sup>100</sup> During the early to mid-1700s this began to change with European conflicts and their impact on colonial life, most commonly seen in the French and Indian wars. Colonies were expected to pay back Britain for their protection. Some colonies were impacted differently than others. Economies did suffer. There were divisions between the colonies and the people within them. A movement which epitomizes this is the Regulator Movement of the 1760s and 1770s in North Carolina and South Carolina.

In the Carolinas and Georgia, the economies and the social structure was very different even within the colonies. The elite and therefore the governing bodies of the colonies were situated towards the east. It was on the coast where the more civilized and prosperous populations were. It was on the eastern coast where there were more protections in place. Higher slave populations were also on the coast due to the rice fields and the various shipping and trading post which necessitated a greater demand on colonial militia for slave patrols.<sup>101</sup> In the West, there were the Native American populations which had a dualistic effect on colonial life. On the one hand as, white populations grew so did westward expansion and encroachment onto native lands leading to military conflict with Native Americans and therefore also led to military conflicts. On the other hand, associations with Native Americans could foster a beneficial

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<sup>99</sup> Warren, *Fire on the Water*, *ibid.*

<sup>100</sup> Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 1999), 47.

<sup>101</sup> Robert M. Weir, *Colonial South Carolina: A History* (Columbia, S.C: University of South Carolina Press, 1997), 196.

relationship which when cultivated correctly could hinder the ability of slaves to successfully attain freedom through marronage.<sup>102</sup>

What is constant in this particular assessment is that the further West one traveled or was located in the Carolinas and Georgia, the more likely it was that white people were unlikely to have been socially or economically wealthy in comparison to those in the coastal regions. This was not an area which was conducive to large plantations. There was a social and economic division within the southern colonies. This was demonstrated in the fact that there was a need for militia in the western parts of these colonies that was not provided. These differences would lead to what is known as the Regulator Rebellion or the Regulator Movement.

Many historians have attempted to analyze this Rebellion and its implications including; Marjoleine Kars in *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* written in 2002; Patrick S. Brady in his article “The Slave Trade and Sectionalism in South Carolina, 1787-1808,” written in 1972; D. Andrew Johnson in his article “The Regulation Reconsidered: Shared Grievances In the Carolinas,“ written in 2013; Rachel N. Klein’s article “Ordering the Backcountry: The South Carolina Regulation,“ written in 1981; Sarah Sadlier in the article “Prelude to the American Revolution? The War of Regulation: A Revolutionary Reaction for Reform,“ written in 2012; Alan D. Watson in the article “The Origin of the Regulation in North Carolina,“ written in 1994.<sup>103</sup> These works make it clear that

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<sup>102</sup> Daniel J. Tortora, *Carolina in Crisis: Cherokees, Colonists, and Slaves in the American Southeast, 1756-1763* (Chapel Hill, NC, 2015; online edn, North Carolina Scholarship Online, 21 Jan. 2016), 19.

<sup>103</sup> Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: University of North Carolina Press, 2002); Patrick S. Brady, “The Slave Trade and Sectionalism in South Carolina, 1787-1808,” *The Journal of Southern History* 38, no. 4 (1972): 601–20, <https://doi.org/10.2307/2206151>; Rachel N. Klein, “Ordering the Backcountry: The South Carolina Regulation,” *The William and Mary Quarterly* 38, no. 4 (1981): 661–80, <https://doi.org/10.2307/1918909>; Sarah Sadlier, “Prelude to the American Revolution? The War of Regulation: A Revolutionary Reaction for Reform,” *The History Teacher* 46, no. 1 (2012): 97–126, <http://www.jstor.org/stable/43264077>; Alan D. Watson, “The Origin of the Regulation in

the Regulator Movement was different in North Carolina than it was in South Carolina. In North Carolina the Regulator Movement stemmed from official corruption, population growth, and economic depression. In South Carolina, the movement began as the upcountry landed men were not given the same representation in the colonial assembly as those in the Lowcountry.<sup>104</sup> People in the western region of the Carolinas were often set upon by bandits and not protected by the militia which was concentrated in the east.

The question remains what does the Regulator Movement have to do with slavery or with women? Immediately the answer would be nothing. However, colonial slave laws mandated that slaves could be legally manumitted if they performed a meritorious service.<sup>105</sup> If a slave was permitted to serve with the Regulators, theoretically it would qualify them for manumission. These slaves would have come from the upcountry or backcountry. People from the eastern coast of the Carolinas were worried over slaves running away to join the movement. This is seen in various primary documentation as cited in the works of Marcus Nevius and Marjoleine Kars.<sup>106</sup> Very little is seen in how women were affected by the regulator movement legally or otherwise. It is possible that various Native Americans would have been impacted by this movement. At this juncture in American history the back country, the western regions were occupied by Native Americans that was their country, they were often depicted as being either in alliance with

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North Carolina,” *The Mississippi Quarterly* 47, no. 4 (1994): 567–98, <http://www.jstor.org/stable/45237209>; D. Andrew Johnson, “THE REGULATION RECONSIDERED: SHARED GRIEVANCES IN THE COLONIAL CAROLINAS,” *The South Carolina Historical Magazine* 114, no. 2 (2013): 132–54, <http://www.jstor.org/stable/23645468>.

<sup>104</sup> Weir, *Colonial South Carolina*, 282, 308.

<sup>105</sup> Julie Winch, *Between Slavery and Freedom: Free People of Color in America from Settlement to the Civil War* (Lanham, Maryland: Rowman & Littlefield, 2014), 22-24.

<sup>106</sup> Kars, *ibid*; Nevius, *ibid*.

colonist or being bandits. Colonial governors often made treaties with individual tribes to hinder the success of African slaves running away.<sup>107</sup> Meaning that if in the Backcountry a slave wanted to run away then Native Americans could capture them for financial gain. Africans, though they could have served in the regulator militia, would not always be given permission to do so another way of attaining that freedom would have been flight and marronage so escape into the western region was another possibility provided they were not captured by Native Americans allied to certain colonial officials.

As the states began as different colonies with different charters it is necessary to understand that they also offered different laws, customs, and traditions under which the people lived. This meant that Africans and Native Americans, both free and enslaved, as well as women operated under different conditions. In one colony they may have had the right to participate in commercial activities, in another they may not have. This also deferred depending on if the colonies were English, Spanish, or French in origin. By reviewing the laws of North Carolina, South Carolina, Georgia and a few from other colonies such as those of the Caribbean and Florida, which was a colonial power of Britain and of Spain, what is evident is that the laws of the colonies pertaining to slavery were highly complex. There were similarities but they were by no means standardized.

This is to be expected especially regarding the colonies of Spain and those of Britain. Spain was a different country that was frequently in conflict with Britain and thus would have motive to undermine the policies of nearby the colonies. Florida is a prime example of one of the Spanish colonies in which had a completely different legal code with regards to slaves and their

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<sup>107</sup> Tortora, *Carolina in Crisis*, 19.

communities. In Florida the slave laws dictated that slaves had the ability to become free by many different ways easily obtainable. One was meritorious service, and another was where they could demand to know the price of their freedom and the owners had to abide by that price.<sup>108</sup> There was no duplicity that was apparent in the Spanish legal codes. This is one of the many ways in which large communities of African militia groups and communities rose up in the Spanish colonies. Florida and its legal codes is one of the reasons why the colony of Georgia may have been established as a buffer colony.<sup>109</sup> It is also one of the many reasons why people can argue that when the American Revolution or War for Independence occurred that while white people gained more rights, more freedom, more liberty, Africans who had previously enjoyed those same things in the previously known Spanish colonies lost them.

English colonies were founded by different companies, groups of people, and had different colonial charters. They also had different economies and, in some cases, different religious and ideological underpinnings. Logically, their legal codes were also different from one another. I began looking at individual colonial laws by colony. This was done to mitigate any confusion. The article by Donnie Bellamy was highly instrumental when looking at Georgia's colonial taxation law and even the establishment of the prohibition of slavery and the later lift on the ban of slavery.<sup>110</sup> This article is not very long which is fantastic because it does not deviate from Bellamy's goal of demonstrating that in Georgia there were virtually no differences between

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<sup>108</sup> David Hackett Fischer, *African Founders How Enslaved People Expanded American Ideals*, First Simon & Schuster hardcover edition (New York: Simon & Schuster, 2022), 497, 516.

<sup>109</sup> Allen Daniel Candler ed., *The Colonial Records of the State of Georgia*, Vol. I (Greece: Franklin Printing and Publishing Company, 1904), 50.

<sup>110</sup> Donnie D. Bellamy, "The Legal Status of Black Georgians During the Colonial and Revolutionary Eras," *The Journal of Negro History* 74, no. 1/4 (1989): 1–10, <http://www.jstor.org/stable/3031495>.



free people of color and those who were enslaved from a legal standpoint during the colonial and ‘Revolutionary Era.’ He does this by looking at taxation laws even laws apropos social control methods in utilization at that specific point in American history in Georgia. He shows how white males were taxed at the same rate as an enslaved male, one shilling, while a free black person of any sex was taxed at a rate of forty shillings.<sup>111</sup> Free people of color were also prohibited by law from having a legal place of residence and were required to have a white guardian. It was slavery without being slavery. But they had no choice but to do as they were told.

In South Carolina, as demonstrated by the work of John Belton O’Neill, slave law had been accepted and adapted at least by 1740.<sup>112</sup> This makes sense in comparison to Georgia which was founded in 1733 and the Carolinas had been founded in the mid-1600s. The Carolinas had from their very beginnings been slave colonies, with their codes often taken verbatim from the colony of Barbados. In South Carolina, the governors and early planters came from the colony of Barbados with their slaves. The various constitutions of the colony of South Carolina and North Carolina contained provisions for the institution of slavery as demonstrated in John Locke draft.<sup>113</sup> The laws in South Carolina beginning in the mid-1700s began to the status of the race of slaves. In 1740 it was established that it was the condition of the mother which determined the status of the children from birth. This law also goes on to state that should there be a question of race that it would be determined by a jury which was made-up of slave holders and magistrates. There were protections in this law as well that stipulated that when the taint of African blood was

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<sup>111</sup> Bellamy, *ibid.*

<sup>112</sup> John B. O’Neill, *Negro Law of South Carolina* (Columbia, South Carolina: John G. Bowman, 1848).

<sup>113</sup> “The Fundamental Constitutions of Carolina: March 1, 1669,” *Avalon Project: Documents in Law, History and Diplomacy*, accessed January 20, 2022, [https://avalon.law.yale.edu/17th\\_century/nc05.asp](https://avalon.law.yale.edu/17th_century/nc05.asp).

so far removed the children would be declared white and free of enslavement.<sup>114</sup> When it came to the question of taxes the burden of proof was on the tax collector not the people being burdened with unfair collection practices. This is unlike the laws of Georgia which were inefficient and put the burden of proof on the people.

Andrea Feeser's *Red, White, and Black make Blue: Indigo in the Fabric of Colonial South Carolina Life* (2013) reveals a great deal about the culture of prerevolutionary South Carolina. This book along with the book about the women rice planter, will go a long way in answering the research questions on the cultural life of Africans and Native Americans in the 'Revolutionary Era' in the southern colonies and will potentially lead to further insights as to the educational and vocational abilities of these people during that time. This culture is focused primarily on that of the cultivation and production of indigo as a plant and dye and how that was used as a means to differentiate between slaves, Indians, and free colonists of financial means. The author emphatically states that the color indigo, blue, was the most popular color of the eighteenth century. It signified the elite and the everyday working class.<sup>115</sup> Everybody wore blue. However, there was a difference in how that blue was worn. Indigo along with rice made the fortunes of South Carolinians as well as Georgians during the eighteenth century.<sup>116</sup>

Indigo connected the lives of Africans, Indians, and the white colonists and their European counterparts. It also divided their lives substantially. It was written into law that only

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<sup>114</sup> John B. O'Neill, *Negro Law of South Carolina*, 5-6.

<sup>115</sup> Andrea Feeser, *Red, White, and Black make Blue: Indigo in the Fabric of Colonial South Carolina Life*, 1st ed. (Athens, Georgia: The University of Georgia Press, 2013), 12.

<sup>116</sup> Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (Cambridge: Cambridge University Press, 2011), 11, 41, 47, 153-158.

certain groups of people could wear specific colors, patterns, etc.<sup>117</sup> I would argue that the laws of the Carolinas and Georgia, and perhaps elsewhere in the Americas, from the colonial era until at least the time of the Early Republic there was a form of social discrimination in the form of modern sumptuary laws. This would imply that America never truly broke away from the arbitrary atmosphere of British control. Given that indigo lost its appeal as an American export somewhere around the time of 1790, the question remains is that because of the American separation from Britain? Or is it symptomatic of a change in low country economy? Did it represent a change in cultural history for Africans and Native Americans because indigo and its role in commerce was so integral in their societal status? It is around this time after all that rice became the cash crop of the southern states.<sup>118</sup> Many other historians have provided a great deal of attention to this rice culture that sprung up in the wake of the demise of large indigo plantation society.

James Clifton, S. Max Edelson, David Eltis, Philip Morgan, David Richardson, and Walter Hawthorne are all renowned historians who have contributed to scholarship of Atlantic economic and cultural history. Specifically, the articles written by these historians focus on the rice culture and African contributions.<sup>119</sup> This is a subject that I am not familiar with, so it will

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<sup>117</sup> Feeser, *Red, White, and Black make Blue*, 35, 42.

<sup>118</sup> McCandless, *ibid.*

<sup>119</sup> James M. Clifton, "The Rice Industry in Colonial America," *Agricultural History* 55, no. 3 (1981): 266–83. <http://www.jstor.org/stable/3743016>; S. Max Edelson, "Beyond 'Black Rice': Reconstructing Material and Cultural Contexts for Early Plantation Agriculture," *The American Historical Review* 115, no. 1 (2010): 125–35, <http://www.jstor.org/stable/23302765>; David Eltis, Philip Morgan, and David Richardson, "Agency and Diaspora in Atlantic History: Reassessing the African Contribution to Rice Cultivation in the Americas," *The American Historical Review* 112, no. 5 (2007): 1329–58, <http://www.jstor.org/stable/40007098>; David Eltis, Philip Morgan, and David Richardson, "Black, Brown, or White? Color-Coding American Commercial Rice Cultivation with Slave Labor," *The American Historical Review* 115, no. 1 (2010): 164–71, <http://www.jstor.org/stable/23302768>; Walter Hawthorne, "From 'Black Rice' to 'Brown': Rethinking the History of Risculture in the Seventeenth- and

involve further study. How intensive was the production of rice? How was it any different for indigo or tobacco? What about cotton? People who worked in rice production would have a harsh life due to the constant threat of disease.<sup>120</sup> Laws regarding clothing of slaves demonstrate that agricultural labor presented high risk requiring slave-owners to provide better quality clothing to protect their investments while being as an economically efficient as possible.

The articles written by these historians provide a much-needed background into the Atlantic history of slave importation into the American colonies and rice plantations. They do not concentrate on the legal aspects or even ideology surrounding slavery. The articles written by Eltis, Morgan, and Richardson are useful in that they provide a context that links the rice culture to that of the Carolinas and Georgia from a specific era. These articles also defer to major scholarship, such as that of Peter Wood and his book the *Black Majority*.<sup>121</sup> Articles that concentrate on the rice plantation culture and the Carolinas and Georgia have thus far concentrate on the broader economic history of the Carolinas and Georgia. There is some semblance of connection between these regions in the United States and Africa. There are even connections with the markets in South America. They continued connectivity, via slave trading and transportation of goods and technologies, maybe an avenue of research one could exploit to further understand how an African slave or free community in the Carolinas and Georgia may have persevered in a ‘Revolutionary Era.’ They also offer it means by which the study of

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Eighteenth-Century Atlantic,” *The American Historical Review* 115, no. 1 (2010): 151–63, <http://www.jstor.org/stable/23302767>.

<sup>120</sup> For more on diseases, Slavery, and the Lowcountry see Peter McCandless, *Slavery, Disease, and the Southern Lowcountry*.

<sup>121</sup> David Eltis, Philip Morgan, and David Richardson, “Agency and Diaspora in Atlantic History,” 1337-1338, 1340; Peter H. Wood, *Black Majority Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Alfred A. Knopf, 1975), 36-37.

women's participation in the commercial setting of the Americas can be studied. It is evident that women had a form of autonomy in daily life.

Given the fact that there have been many racially and gender motivated movements within the last twenty years in the South and throughout America, which argue that people of color and women are still considered second class citizens and are not provided the same rights and protections as white men. Published academic works are following a tradition of reactionary scholarship. Academic works provide an explanation as to the roles of people of color, and women in general in the southern economies and the role in the military conflict, some even discuss the ideological controversy that the institution of slavery presented the new nation. However, very little work has been conducted in examining the continuity and change of American life, of these specific groups of people in America, as a result of the concept of revolution. Yes, a revolution did occur but not for these people at this time.

### **Methodology**

The methodology of the dissertation will be fairly broad to answer these questions. Above all else this is a socio-political history with some elements of military, gender, and intellectual history. It comes under the broad umbrella term of African American history too. Diversified sources are consulted. Provided in the dissertation will be an analysis of how the lives of women and people of color in the Carolinas and Georgia changed and how they stayed the same in a time of great change. The sources and documents consulted will vary depending on location and time. Some sources that will be used have never been seen outside of historical archives. Sources will be consulted to examine women's history beyond the importance of Eliza Pinckney. The history of women, in general, will be examined through newspapers, correspondence, legal documents, and secondary sources.

Other sources such as the notes from the trial of Thomas Jeremiah will be analyzed from a different point of view. Colonial charters and laws, deeds of sale, war records, and pension applications will be relied upon, and many will have been written by white people, as the majority of Africans were not literate; Therefore, many sources will be consulted to gain a more accurate sense of what was occurring. To address the concept of liberty and what it meant to the colonists, an analysis is required of various enlightened philosophers such as John Locke, Rousseau, Hobbs, and Thomas Paine. By doing so this dissertation will resemble an intellectual history. By demonstrating how these philosophers and even ancient concepts of government influenced the creation of the eighteenth-century political thought of colonists and early citizens of an American nation an analysis of their concept of how liberty and freedom should be applied to the masses will be contrived.

### **Chapter Synopses**

Following the introductory chapter, the second chapter of this dissertation is focused on the concept of revolution. It will answer questions that have to deal with how this concept would have been perceived by the people in the 1700s. This chapter will also provide historical background in terms of ancient and modern English government practices and how the rights of citizens and how citizens were defined by the English people. Going forward this chapter will be the foundation upon which the rest of the dissertation will stand in terms of continuity and change. In this chapter the works of ancient authors such as Aristotle and Plato; and the works of English government up until the American War of Independence, such as the Magna Carta and the English Bill of Rights; and the works of enlightened philosophers such as Thomas Hobbes, John Locke, Jean Rousseau, and many others will be combed through and analyzed regarding historical precedent set down for revolution and the ideologies supported by American colonists.

These works will also be consulted as a means to show how the colonists may have perceived the justification for the existence of the oppressive institution of slavery. In this chapter the legal status of women will also be examined, as the laws and customs which governed their lives was derived from English traditions dating back to the thirteenth century.

The third chapter of the dissertation will focus on the African and female experience in the Carolinas and Georgia from the time of their arrival until the beginning of the War of Independence. In this chapter the cultural, political, and economic role of women and Africans in these regions will be explored extensively. In Georgia when it was chartered in 1732 under the supervision of James Oglethorpe, slavery was expressly forbidden.<sup>122</sup> Oglethorpe believed that slavery was conducive to idle hands and would lead to further criminal behavior. In the Carolinas the slave population was nearly equal with that of the white free population and corresponded with nearby Virginia's slave population. The Carolinas were agricultural colonies that were dependent upon the plantation system for sustainment. Nevertheless, in both the Carolinas and in Georgia prior to the War of Independence, the abolitionist movement had a foothold in these colonies. However, events political and military occurred which contributed to a counter social and economic revolution for the Africans prior to the War of Independence and further hindered efforts for abolition during such time of freedom and liberty. In this chapter the history of women during the colonial era will demonstrate that in the Carolinas, particularly in South Carolina, began to have more freedoms than their English counterparts. Women were part of a social structure in which they were still considered an equal to men but above that of slaves.

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<sup>122</sup> "Charter of Georgia, 1732," *Avalon Project: Documents in Law, History and Diplomacy*, accessed August 20, 2022, [https://avalon.law.yale.edu/18th\\_century/ga01.asp](https://avalon.law.yale.edu/18th_century/ga01.asp); J. Oglethorpe to Earl of Egmont, Trustees for Establishing the Colony of Georgia in America. "Letters from Georgia, v. 14204, 1739 June-1740 June." 1739-06/1740-06. October 1, 2022. [http://dlg.galileo.usg.edu/do:guan\\_ms1786\\_ms1786-14204](http://dlg.galileo.usg.edu/do:guan_ms1786_ms1786-14204).

The fourth chapter of this dissertation will focus on the so-called 'Revolutionary Era.' It will be relatively short in comparison with the previous chapters. In this chapter, there will be a brief analysis of concepts of liberty and rights as denoted by the colonists in the Carolinas and Georgia and how they reconciled themselves with the existence of the institution of slavery while fighting for their own liberty. This chapter will rely heavily on contemporary sermons, enlightened philosophies applied to the justification for the conflict, and individual missives written by Carolinians and Georgians. In this chapter, there will be an analysis of the lead up to the military conflict. How the colonists responded to British actions is paramount to the ongoing academic discussion of freedom and liberty and the concept of revolution.

The fifth chapter details the contributions made by women in the Carolinas and Georgia to the military effort of the War of Independence. The length of this section of the dissertation will be much shorter than that of others. The length will not detract from the quality, but rather enhances the value of the argument. With regards to the history of women this chapter will show that the women of the Carolinas and Georgia were very much involved in the American War of Independence. They were the primary commercial participants in the colonial household, during the conflict they occasionally stepped out of gender specific roles and even formed an attachment to the armies. However, women did not officially act as soldiers. This adds credence to the argument that the southern colonies later states were in a semi feudal situation because they were not afforded the same liberties as the males who fought in the military conflict.

The sixth chapter will focus on the participation of African Americans in the military conflict. Details will be given as to black Loyalists and black Patriots. What was the reward for their service and were they treated with more respect because of their contributions? Another question which may be related to this chapter would be how were Africans who supported the



British treated in the aftermath of the conflict? Much of the primary source evidence used will come from archived material, however a great deal of secondary sources will be consulted to provide context as to the treatment of African Loyalists and Patriots.

The concluding chapter of the dissertation will focus on the era of American history in the Carolinas and Georgia following the American War of Independence. In this chapter an examination of state laws regarding Africans, women, and the economic well-being of the states will be emphasized greatly. This is instrumental in demonstrating that despite the Americans fighting a war against tyranny they themselves remained tyrants domestically in these specific states. In fact, especially in Georgia, from the time of its beginnings there was a complete turnabout with regards to the concept of slavery. The Carolinas were the exact opposite. In both regions, the Carolinas and Georgia, after the War of Independence slavery boomed. However, there were some notions of abolitionism that took a firm foothold within families.

## Chapter Two: The Concepts of Rights and Revolution in the Development of the American Government

The American novelist and literary critic Ralph Ellison once remarked “Whenever we as Americans have faced serious crises, we have returned to fundamentals.”<sup>1</sup> Authors and historians such as Thomas Ricks have returned to the fundamentals of historical scholarship and what this dissertation argues has continuously happened throughout American history. The United States of America did not form spontaneously. Historical precedent informed the development of the nation, there were fundamental principles that had been in the mindset of the people. In the first chapter of this dissertation, the matter of revolution must be approached. This concept has been deemed by many scholars and laymen to be a foundation by which the nation of the United States of America has been born, hence the moniker the American Revolution. However, the conflict which resulted in the separation from Britain and the formation of a new nation has been termed other names such as rebellion and the War of Independence. Scholars have also delved into the intentions of the founders to find that the original goal was not to separate or rebel but to have their rights as Englishmen protected. Although the term revolution has been used by some founders, like John Adams, or referenced by them, an analysis of the term must be made so that it conclusion to the question of whether the conflict constituted a revolution may be settled.<sup>2</sup>

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<sup>1</sup> Thomas Ricks, *First Principles: What America's Founders Learned From the Greeks and Romans and How That Shaped Our Country*, Narrated by Jamie Lurie, *Audible*, Prologue.

<sup>2</sup> John Adams, “I. To the Inhabitants of the Colony of Massachusetts-Bay, 23 January 1775,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Adams/06-02-02-0072-0002>. [Original source: *The Adams Papers*, Papers of John Adams, vol. 2, December 1773–April 1775, ed. Robert J. Taylor. Cambridge, MA: Harvard University Press, 1977, pp. 226–233.]; John Adams, “VII. To the Inhabitants of the Colony of Massachusetts-Bay, 6 March 1775,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Adams/06-02-02-0072-0008>. [Original source: *The Adams Papers*, Papers of John Adams, vol. 2, December 1773–April 1775, ed. Robert J. Taylor. Cambridge, MA: Harvard University Press, 1977, pp. 307–327.]; John Adams to Hezekiah Niles, Letter to Hezekiah Niles on the American Revolution, February 13, 1818, National Humanities Resource Center, <https://nationalhumanitiescenter.org/ows/seminars/revolution /Adams-Niles.pdf> (accessed June 27, 2024).

Another revolutionary aspect of the result of the conflict was the establishment of the United States government under the Constitution and the new state constitutions. The establishment of the new nation was slightly revolutionary only for white men. In the Carolinas and Georgia as with many of the other colonies despite exposure to ancient and English government practices, self-governance, and enlightened philosophies there was also a semblance of counter-revolutionary actions that affected Africans, or those of non-European descent, and women.

The various civil wars, revolutions, and battles between Parliament and the monarchy from the Middle Ages until about 1714 resulted in a world that had become far more tolerant than one would expect of the eighteenth century. The conflicts between the Tudors and the Stuarts eventually resulted in a constitutional monarchy. The political revolutions and to a greater extent the scientific revolutions, led to an advancement of knowledge and religious toleration. These ideas were transmitted to the American colonies. Ideas that originated in England, or to be more accurate, the concepts of these ideas originated in an English tradition was that of the rule of law, rights to trial by jury and *habeas corpus*, free press, modern political parties, and popular political participation that would evolve to become democracies on both sides of the Atlantic World. These same ideas that came from England had a tremendous impact on the lives of women and those of non-European ancestry, especially those who were enslaved. The Carolinas and Georgia in particular were mirror images of England at the time of their establishment.<sup>3</sup> It is widely accepted by many historians including Bernard Bailyn, Gordon Wood, Woody Holton, Paul Pressly, and Daniel Hannan that the ideology that the American government of the eighteenth century and early nineteenth century was built upon that of British

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<sup>3</sup> David Ramsay, quoted in William Henry Drayton, *The Letters of Freeman, Etc.: Essays on the Nonimportation Movement in South Carolina*, ed. Robert M. Weir (Columbia, S.C., 1977), xxiii.

history.<sup>4</sup> Thus, it was also influenced by European conflicts and events which shaped the political mindset of American colonists. This is contrary to what Bailyn wrote in the original

Foreword to *The Ideological Origins of the American Revolution*:

The leaders of resistance, as I wrote in the original Foreword to the book, were not philosophers or political theorists but merchants, lawyers, planters, and preachers. They did not write formal discourses, nor did they feel bound to adhere to traditional political maxims or to apparently logical reasoning that led to conclusions they feared.<sup>5</sup>

However, due to geographical separation from the European and British mainland, conflicts with natives, and the Spanish in North America as well as agricultural economics, and direct interaction with different colonies, as well as the growth of self-governance in the colonies, Carolinas and Georgia had a very different experience during the conflict known as the American War of Independence or American Revolution. The difference in how certain groups of people namely that of Africans, free and enslaved, and women experienced the conflict and the changes it brought about can be seen through a study of continuity and change with regards to the rights of citizens and laws.

When answering the question of whether or not the military conflict which occurred in the latter half of the eighteenth century and resulted in a newly formed American nation was a revolutionary event two positions can be taken with a degree of academic seriousness. Historians have argued that the conflict was a revolution. They have argued that the conflict was a

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<sup>4</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution*, Fiftieth anniversary ed. (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2017): v-vi, xiv; Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill and Wang, 2008): 28, 125-126; Gordon Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford: Oxford University Press, 2011); Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: Published for the Institute of Early American History and Culture at Williamsburg, Va, by the University of North Carolina Press, 2011); Gordon Wood, *The Idea of America: Reflections on the Birth of the United States* (New York: Penguin Press, 2011); Gordon Wood, *The Radicalism of the American Revolution*, *ibid*; Gordon Wood, *Power and Liberty: Constitutionalism in the American Revolution* (New York, NY: Oxford University Press, 2021).

<sup>5</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution*, v-vi.

fundamentally transformative event, that the society of America transformed into a nation that was founded on radical principles that placed natural law above the function of government.<sup>6</sup> Other historians have argued that the event was not a revolution but a movement initiated to preserve the existing socioeconomic and political order of the citizens living in the colonies.<sup>7</sup> Historians arguing the latter claimed that revolution was accidental or a consequence of rebellion.<sup>8</sup> Others would argue that the American War of Independence was in some ways revolutionary for some groups of people and in others not immediately revolutionary at all. It truly depends on whether one was a woman or not of European descent and whether or not they were in bondage to determine how revolutionary the event and the era in which they lived was in the Carolinas and Georgia.

The military conflict of the 1770s was a war of independence but not a true revolution. The term revolution, in this context, is too restrictive. There was a revolution in that there was a change in the political regime and government form. However, the finer details of the lives of people of non-European descent, most especially slaves descended from Africans, and women suggest that a progressive revolution did not occur immediately following the War of

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<sup>6</sup> Gordon S. Wood, *Power and Liberty: Constitutionalism in the American Revolution* (Oxford: Oxford University Press, Incorporated, 2021), 2, 31, 107; Gordon S. Wood, *Empire of Liberty*, 23, 516-527, 540; Gordon S. Wood, "Ideology and the Origins of Liberal America," 628–640; Gordon S. Wood, *The Creation of the American Republic, 1776-1787*, 32-33, 176, 283-284.

<sup>7</sup> Alan D. Watson, "A Consideration of European Indentured Servitude in Colonial North Carolina," *The North Carolina Historical Review* 91, no. 4 (2014): 381–406, <http://www.jstor.org/stable/44113224>; Alan D. Watson, "North Carolina Slave Courts, 1715-1785," *The North Carolina Historical Review* 60, no. 1 (1983): 24–36, <http://www.jstor.org/stable/23534793>; Alan D. Watson, "The Origin of the Regulation in North Carolina," *The Mississippi Quarterly* 47, no. 4 (1994): 567–98, <http://www.jstor.org/stable/45237209>; Alan D. Watson, "Women in Colonial North Carolina: Overlooked and Underestimated," *The North Carolina Historical Review* 58, no. 1 (1981): 1–22, <http://www.jstor.org/stable/23534694>; Daniel C. Littlefield, "Chapter 9: Colonial and Revolutionary United States," in *The Oxford Handbook of Slavery in the Americas*, eds. Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 201-226.

<sup>8</sup> John M. Murrin, "No Awakening, No Revolution? More Counterfactual Speculations," *Reviews in American History* 11, no. 2 (1983): 161–71, <https://doi.org/10.2307/2702135>.

Independence. At least in comparison to the later French Revolution that took place just a few years later, which was inspired by and resulted in a declaration not unlike that of America's, the conflict did not result in any significant social or economic change.<sup>9</sup> There was some economic reinvention in America, but little in the way of social change for people who were not male, white, and moderately wealthy. The economic changes that did occur, such as changes in currency, had little relation to those in bondage. Social classes in America remained relatively undisturbed even with the chaos of the Articles of Confederation, at least for people occupying the lower classes. The poor suffered more due to the lack of a cohesive government structure, however, slaves and women in the Carolinas and Georgia did not experience a fundamental progressive change in their lives in the first few years after the conclusion of the military conflict.

Under the Articles of Confederation, each state was effectively its own government with its own rules regarding the taxation of its citizens and issuance of currency. Granted no longer being colonies of Britain was a monumental transformation, but when examining the former colonies of the Carolinas and Georgia it is apparent that very little social transformation occurred that immediately impacted the lives of women and those of non-European descent, particularly those held in bondage. Repayment of war debt did cost some veterans their farms which would be construed as abolishment of property or property redistribution but the conflict known as Shay's Rebellion encouraged the constitutional Convention to adopt and ratify the United States Constitution less than ten years later.<sup>10</sup> Aside from this, America's society remained almost

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<sup>9</sup> Robert S. Barker, "NATURAL LAW AND THE UNITED STATES CONSTITUTION," *The Review of Metaphysics* 66, no. 1 (2012): 122-123, <http://www.jstor.org/stable/41635554>.

<sup>10</sup> Leonard L. Richards, *Shays's Rebellion: The American Revolution's Final Battle* (Philadelphia: University of Pennsylvania Press, 2002): 85.

unchanged from colonial times. White men who owned property had power and therefore rights and liberty. Women and people of non-European heritage, whether they were free or not, did not have the same power as white men. These marginalized groups were excluded from some of the most fundamental rights and liberties that came to define the new nation such as participation in politics, voting, and physical freedom of their bodies.

These divisions are clear in the Carolinas and Georgia. When compared to the Colonial Era, these groups of people had or experienced less power, during the years of the Early Republic. If, however the conflict is not viewed strictly in the context of defining a revolution, American society as a whole may be considered a revolutionary society. And like Britain's government which was ruled by weighing interest in utility, not the good of the people America's new government which was made-up of the people who voted for them, by way of the people, with a responsibility to the people, it can be argued that the society under the new government was revolutionary. However, the problem here is that the definition of the people is highly biased. The people referred to white land-owning men or white men who could afford to pay a standard amount of taxes. The people were of non-European descent, not slaves, and not women. The new government that was formed was semi-revolutionary, it was adaptable. Being semi-revolutionary does not show that it was in fact a revolution. It is an argument that this society formed out of rebellion not of fundamental change.

Revolution is a word that has been used very liberally in history. There are many definitions of the word itself. In the context of social, military, political, economic, intellectual history, or any combination thereof the Merriam Webster definition of 'revolution' is a "sudden, radical, or complete change...a fundamental change in political organization. Especially, the overthrow or renunciation of one government or ruler and the substitution of another by the

governed; activity or movement designed to effect fundamental changes in the socioeconomic situation; a fundamental change in the way of thinking about or visualizing something: a change of paradigm,” is appropriate. The people of the eighteenth century would have been familiar with revolution. Historically, as English colonists their cultural heritage was defined by various revolutions in politics, religion, economics, military conflict, even geographic discovery.

To say that the conflict known as the American War of Independence was simply a revolutionary event, the American Revolution, is misleading. Although political change occurred, people of color and women did not experience progressive change. The American War of Independence resulted in a revolutionary change for white men. After the conflict white men were no longer subjects of the crown, they were citizens of an American nation.<sup>11</sup> Men were able to run for different positions in the new American government, and voting rights expanded to men, as did access to courts. To demonstrate this, it is important to emphasize how the British people defined subjects and citizens, the relationship between citizens and the government, and the rights of citizens historically. It is paramount to understand how the government and ideologies associated with it evolved.

One of the earliest philosophers to define the forms of government and governmental goals was Aristotle. After a lengthy and even contrary diatribe, Aristotle ultimately concluded that the best form of government was a mixed constitutional government. A mixed constitutional government whereby the government is upheld by the participation of the people and where the government is held accountable to a standard agreed on by the people being governed. By establishing a government that combines the participation of the people and holds officials

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<sup>11</sup> David Ramsay, *A Dissertation on the Manner of Acquiring the Character and Privileges of a Citizen of the United States* (Charleston, 1789), 3.



accountable to the people's will, there would be less of a chance for the development of governmental abuses that would come with a tyrannical government. Today, this form of government would be termed a democracy. An idea that was not foreign to Aristotle as he lived in Greek city-states which were democratic in their government forms. His definitions of kingship, oligarchy, tyrant, citizen, and the roles that citizens played in the establishment and maintenance of government remain in use.<sup>12</sup> Aristotle is the originator of the Western concept of just warfare theory. This theory though has resonating repercussions throughout the globe. The Theory of Just Warfare involves the ethos involved in war, it is a means of ensuring that a war is justifiable.<sup>13</sup> There are two criteria involved: *jus ad bellum* and establishing *jus in bello*. *Jus ad bellum* has its own set of criteria. One has to have the proper authority and just cause to go to war. This means that a sovereign must be the one to make the call to arms and that war must be declared in the event that the land in which the sovereign rules over is being invaded or that their people are being attacked.<sup>14</sup> War cannot be declared for unreasonable causes.

Establishing *jus in bello*, directs how combatants conduct themselves in the course of military conflict. It is this second criteria in which just warfare has been seen to be a justification for slavery. Aristotle's views on natural slavery were transmitted through the works of enlightened philosophers such as John Locke.<sup>15</sup> Aristotle also had influence during the Medieval

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<sup>12</sup> Aristotle, *Politics*, III.1279b.

<sup>13</sup> Anthony F. Lang, Cian O'Driscoll, and John Williams, eds. *Just War: Authority, Tradition, and Practice*. (Washington: Georgetown University Press, 2013): 20.

<sup>14</sup> Kai Draper, *War and Individual Rights the Foundations of Just War Theory* (New York, NY: Oxford University Press, 2016), 169-182.

<sup>15</sup> Locke, *Two Treatises*, Book II, Ch. 3-4, 199-201; Locke, *Two Treatises of Government*, ed. P. Laslett (Cambridge: Cambridge University Press, 2005), 278, 412; Anthony F. Lang, Cian O'Driscoll, and John Williams, eds. *Just War: Authority, Tradition, and Practice* (Washington: Georgetown University Press, 2013): 118-121, 125; F. Vitoria, *Political Writings*, ed. A. Padgen and J. Lawrance (Cambridge: Cambridge University Press, 1991): 239-246, 250-251, 278-282, 285; Hugo Grotius, *The Rights of War and Peace*, ed. R. Tuck (Indianapolis: Liberty Fund,

Era and well into the Revolutionary Era which explains why he still has an impact in government. Aristotle influenced many of the philosophers that emerged out of the Enlightenment Era and who would come to influence people like Thomas Jefferson, Henry and John Laurens, Edward Rutledge, and J. Oglethorpe and later Georgian leaders.

It is indisputable that philosophers of the Enlightened Era were influenced by the ancient philosophers. Aristotle in particular was of great influence on John Locke and Montesquieu. Through Locke and Montesquieu Aristotle influenced Jefferson and Madison of the United States of America. Roderick T. Long's article, "Aristotle's Conception of Freedom," and Fred Miller's book *Nature, Justice, And Rights In Aristotle's Politics* demonstrate that there is a clear correlation between Aristotle and the formation of the new American government through the influence of Locke and Montesquieu.<sup>16</sup> It is very evident that Aristotle argues that individuals have rights, these rights are natural and cannot be taken away by the state or government, the interest of the individual cannot be sacrificed to the interest of the community, it is in the best interest of the state to protect the interest of the individuals, to protect these rights there should be a check on governmental power via constitutional structure, legitimate political authority rest on consent of those being governed, and a government that fails to protect the rights of the citizens may be overthrown.<sup>17</sup> These are very familiar principles that Americans are acquainted with today. They originated with Aristotle.

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2005): 89, 1021-1024; Robert S. Barker, "NATURAL LAW AND THE UNITED STATES CONSTITUTION," *The Review of Metaphysics* 66, no. 1 (2012): 113, <http://www.jstor.org/stable/41635554>.

<sup>16</sup> Fred D. Miller, Jr., *Nature, Justice, and Rights in Aristotle's Politics* (Oxford: Oxford University Press, 1995); Roderick T. Long, "Aristotle's Conception of Freedom," *The Review of Metaphysics* 49, no. 4 (1996): 775-802, <https://www.jstor.org/stable/20129942>.

<sup>17</sup> Long, "Aristotle's Conception of Freedom," 776; Barker, "Natural Law and the Constitution," 115-116, 120-121.

However, Aristotle also argued that while individuals did have rights and freedoms, there was such a thing as natural slaves.<sup>18</sup> Many have interpreted Aristotle's stance on natural slaves as them being excluded from citizenship because they lacked the faculty to participate in politics.<sup>19</sup> It is obvious from the readings of Aristotle's work *Politics* and *Physics* that, Aristotle did not believe that the hierarchy present in society was unchangeable. Aristotle believed that natural slaves were necessary. It was necessary to measure the quality or type of government that was in place by how people treated these so-called slaves. When masters and citizens treated slaves, which were typically foreign people as only masters, then that government was despotic.<sup>20</sup> However, if they treated natural slaves in a more welcoming fashion then they were more democratic and typically had a more peaceful disposition as well as prosperous future. Citizens could be made by several different means. If a people were conquered slaves could be taken, forming the basis of the just war theory, and usually within a set number of years the slaves could either purchase their freedom or earn it through service in the military.<sup>21</sup> This is where many of the early slave codes developed their manumission criteria behind meritorious service.

Revolutionary people frequently cited Plato in discourses on government, society, and philosophy.<sup>22</sup> In comparison to Aristotle, however, Plato never formally addressed the subject of

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<sup>18</sup> Aristotle, *Politics*, I.1252a.

<sup>19</sup> Jill Frank, "Citizens, Slaves, and Foreigners: Aristotle on Human Nature," *The American Political Science Review* 98, no. 1 (2004): 91–104, <http://www.jstor.org/stable/4145299>.

<sup>20</sup> Jill Frank, "Citizens, Slaves, and Foreigners," *ibid.*; Aristotle, *Politics*, I.1260a, VII.1334a.

<sup>21</sup> Aristotle, *Politics*, I.1285a20-25, I.1327b27-28.

<sup>22</sup> Ricks, *ibid.*, Ch. 1.

slavery.<sup>23</sup> The comments given by Plato do provide a sense of similarity with Aristotle's philosophy. Slaves in Plato's beliefs did not possess reason, and because they lacked reason, they were unable to be fully complacent to public order and law.<sup>24</sup> Plato reasoned that citizens, freedmen, and most importantly, those who were fit to rule most have the ability to reason or logic. Citizenship was therefore defined by those who were free, and freedom was determined by one's inability to be forcefully persuaded or who had their own reasoning skills.

It is the same criteria for voting in America today. People under a certain age or who are foreign, un-naturalized aliens are prohibited from exercising certain rights ascribed to full citizens.<sup>25</sup> Children under the age of eighteen are unable to vote, and if they commit criminal acts, it is likely that they will be tried as juveniles because it is assumed that they do not possess the basic logic or reasoning skills that adults possess. In the colonial era, this doctrine had manifested in several ways to include chattel slaves and women, in addition to underage children and foreign-born peoples.

By the late 1700s the English people had experienced many political, religious, and several social events which were considered revolutionary. These revolutionary events had very little to do with a person's skin color. In fact, the importance of the color of a person's skin in establishing status was a relatively new aspect in society beginning in the early sixteenth and seventeenth centuries. Although in the Tudor Era, it is well known that England had been

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<sup>23</sup> Gregory Vlastos, "Slavery in Plato's Thought," *The Philosophical Review* 50, no. 3 (1941): 289, <https://doi.org/10.2307/2180538>.

<sup>24</sup> Plato, *Laws*, 720, 773e, 766b; Vlastos, "Slavery in Plato's Thoughts," 295.

<sup>25</sup> Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans* (Cambridge: Belknap Press, 2000), 29-30.

exposed to a form of racial slavery by the Spanish and through the works of Shakespeare, we know that they were familiar with people of darker complexions, they were often more concerned with these people's religion. They were often called "Moors" and had little to do with the concern over their skin color. The English prior to the late 1600s were less concerned with racial slavery or police slavery; It was only after the ascension of Charles II that slavery became an inheritable condition.<sup>26</sup> Even the Spanish and the Portuguese when they colonized parts of the Caribbean were less concerned with skin color. They did enforce slavery as evidenced by the actions taken against the Taíno people and later the Africans.<sup>27</sup>

Revolutionary events beginning in the Thirteenth century through the mid-eighteenth century in Britain advanced the Patriot cause in the conflict known as the War of Independence. These events were sudden at the time they occurred but by the 1770s influenced or informed prevailing philosophies and ideologies that relied on logic. Therefore, as the thoughts of the revolution were already in the minds of Americans at least fifteen years before the conflict it can be argued that the conflict was not revolutionary because it did not represent a true change. Change had already been in the process of occurring. This may seem to be a large jump, however, changes in society, politics, economics, and other aspects of life had been occurring for years. The results of those changes had also been accumulating and evolving.

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<sup>26</sup> Holly Brewer, "Slavery, Sovereignty, and 'Inheritable Blood': Reconsidering John Locke and the Origins of American Slavery," *The American Historical Review* 122, no. 4 (2017): 1042-1043, 1051, <https://www.jstor.org/stable/26576988>; Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World*, 35.

<sup>27</sup> Richard Robert Wright, "Negro Companions of the Spanish Explorers," *Phylon* 4, no. 2 (1902): 218, accessed February 9, 2023, <https://www.jstor.org/stable/659219>; M.L. Bush, *Serfdom and Slavery: Studies in Legal Bondage* (London and New York: Longman, 1996), 23-24.

England, as well as Ireland and Scotland, existed in a feudal state from at least 1066 with the conquest of William the Conqueror until the Early Modern Era. In England, feudalism was formally abolished with the Tenures Abolition Act of 1660.<sup>28</sup> Feudalism or feudal society has been defined and redefined many times. However, two historians have provided definitions a feudalism as it relates to the European practice of the system. Belgian medievalist Francois Louis Ganshof (1895-1980) in *Qu'est-ce Que La Féodalite?* (1944) defines federalism very narrowly. He concentrates on the obligations of protection and military services between the nobility and the military as well as real property.<sup>29</sup> In contrast French historian, Marc Bloch (1886-1944) provides a more inclusive analysis of a feudal society in *Feudal Society* published in 1961.<sup>30</sup> In these works, it is evident that there is a relationship between the tenants or serfs and the nobles or vassals who preside over the land. The serfs work the land they are tied to it and the vassals provide protection. The connection with American history is that in terms of labor history, there is a transition from a society that had formed a socioeconomic and political hierarchy on the basis of those who had the ability and could afford to fight for land and their rights to possess it, with the allowance of actual social mobility based on military service to a society with a perverted version of the same system.

The Magna Carta of 1215 and the Charter of the Forest of 1217 were both revolutionary. These documents demonstrate that by the early thirteenth century revolutionary changes had

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<sup>28</sup> "Charles II, 1660: An Act taking away the Court of Wards and Liveries and Tenures in Capite and by Knights Service and Purveyance, and for setting a Revenue upon his Majesty in Lieu thereof.," in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 259-266. British History Online, accessed October 16, 2023, <http://www.british-history.ac.uk/statutes-realm/vol5/pp259-266>.

<sup>29</sup> François Louis Ganshof, *Feudalism* (London: Longmans, Green, 1952).

<sup>30</sup> Marc Bloch, *Feudal Society*, trans. L. A. Manyon (London and New York: Routledge, 1962).

been made to a feudal society guaranteeing the rights of nobles over the monarch.<sup>31</sup> The nobles opposed the King and won. In the Magna Carta and the Charter of the Forest, rights of women and of freeborn people were granted and guaranteed. Monarchs in this era had a great amount of power that the Magna Carta limited. It was difficult even dangerous to oppose the will of the King, which gave the appearance of absolute power. They did share authority with the Church, but that authority was considered given unto the monarch by God the inference being that they had the divine right of kings. With the Magna Carta and the Charter of the Forest, people took their rights away from the king. The Magna Carta ensured the rights of the nobles or vassal Lords. It ensured that the king could not impose unfair taxes, there were familiar articles dealing with habeas corpus and search and seizure. The document further secured the rights of women. The Magna Carta prohibits a woman from being coerced into marriage after she had been widowed. The document further secured a widow's right to her inheritance and property after the death of her husband.<sup>32</sup> However, the document in no way was an advocate of gender equality.<sup>33</sup> It was a revolutionary step in that direction because it provided the legal precedent.

Although Charles II passed at least three Acts in 1667, 1668, and 1671, and the Waltham Black Act which repealed parts of the Charter, most clauses of the Charter of the Forests remain in effect in Britain's legal codes and the United States of America.<sup>34</sup> The Charter of the Forest

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<sup>31</sup> Hannan, *Inventing Freedom: How The English-Speaking Peoples Made The Modern World*, 109.

<sup>32</sup> Magna Carta, 1215, Constitution Society, <http://www.constitution.org/eng/magnacar.htm>.

<sup>33</sup> Jocelyne A. Scutt, *Women and Magna Carta: A Treaty for Rights or Wrongs?* (UK: Palgrave-Macmillan, 2016), 4, 9, 14-15, 58; Nicholas Vincent, "Magna Carta: From King John to Western Liberty," in *Magna Carta: History, Context and Influence*, ed. Goldman Lawrence, (London: School of Advanced Study, University of London, 2018), 26, 32, <http://www.jstor.org/stable/j.ctv5136sc.9>; Justin Buckley Dyer, "Slavery and the Magna Carta in the Development of Anglo-American Constitutionalism," *P.S. Political Science and Politics* 43, no. 3 (2010): 479-482, accessed September 14, 2019, <https://www.jstor.org/stable/25699354>.

<sup>34</sup> Steven Miano and Isabelle Blouin, "Practitioner's Insights: The Charter of the Forest—an Enduring Legacy," September 18, 2017, *Bloomberg Law*, accessed September 15, 2023,

enabled the common people to have rights over both the nobles and the kings. What this document did was give them the rights over common or public land. The Charter of the Forest has had an enduring legacy. It was meant as a complement to the Magna Carta. The document protected the rights of the freeborn English people to access public land and resources in Royal Forest owned by the king.<sup>35</sup> During the thirteenth century, these lands were occupied by peasants and included many rural villages. As monarch, the king had absolute control over the lands and could prevent people from accessing valuable resources.

When the Magna Carta was signed and King John died, his heir was only about 9 years old. The Magna Carta had limited the monarch's power, and as a young monarch, the regents were well aware that a civil war could further disrupt English position. By signing this document people were guaranteed access to public land and resources.<sup>36</sup> This access did not just benefit the common people. The access benefited the Kingdom because most agricultural activity took place on that land. There was less inclination for the workers, the peasants and lower-class nobles because there was security in accessing resources and maintaining sustainability. These were the people who made up the majority of the population, and the one's most likely to be persecuted by

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<https://news.bloomberglaw.com/environment-and-energy/practitioners-insights-the-charter-of-the-forestan-enduring-legacy>; "Charles II, 1667 & 1668: An Act for the Increase and p[re]servation of Timber within the Forest of Deane.", in *Statutes of the Realm: Volume 5, 1625-80*, (s.l, 1819) 636-639. *British History Online*, accessed June 21, 2024, <https://www.british-history.ac.uk/statutes-realm/vol5/pp636-639>; "Charles II, 1670 & 1671: An Act for the better preservation of the Game, and for secureing Warrens not inclosed, and the severall Fishings of this Realme.", in *Statutes of the Realm: Volume 5, 1625-80*, (s.l, 1819) 745-746. *British History Online*, accessed June 21, 2024, <https://www.british-history.ac.uk/statutes-realm/vol5/pp745-746>.

<sup>35</sup> Steven Miano and Isabelle Blouin, "Practitioner's Insights," *ibid*; "Charles II, 1667 & 1668: An Act for the Increase and p[re]servation of Timber within the Forest of Deane," *ibid*; "Charles II, 1670 & 1671: An Act for the better preservation of the Game, and for secureing Warrens not inclosed, and the severall Fishings of this Realme," *ibid*. Royal forests comprised a third of the forests of England in the early thirteenth century.

<sup>36</sup> Charter of the Forest, 1225, The National Archives, <https://www.nationalarchives.gov.uk/education/resources/magna-carta/charter-forest-1225-westminster/>.



English courts. The caveat to this document was that the use of the land could not be a nuisance to any of the neighbors.<sup>37</sup> Therefore, the charter did leave a legacy of expansion in the fact that there was a motif of natural rights and liberties.<sup>38</sup> By establishing forest as common land it permitted all inhabitants to use the land. In the United States, the concepts of Commons played a significant role in expansion, homesteading, and land granting. The rewarding of military veterans with land grants was justified with the concept of common land provided the land was not used for significant means, i.e., it was not a nuisance to his neighbors. The Charter of the Forest is the origin of environmental and natural resource law in the United States.<sup>39</sup> The laws of early Carolina and Georgia do mirror the Charter of the Forest. A clause in the Charter states that Freeman who killed deer in Royal Forest would no longer be punished by loss of life or member, but maybe imprisoned or fined.<sup>40</sup> In 1780, the South Carolina legislature took the same stance, even applying the punishment restriction to slaves.<sup>41</sup> These documents left a legal legacy that spread to the colonies and then evolved and was adopted into the American legal system. These documents show that there was an English tradition of reliance on legal historical precedent in which the American colonists could rely upon to evolve.

Many of the laws of the English colonies were based on those of Britain and early England. Many of the early federal and state laws were adopted from the same system. The most

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<sup>37</sup> Charter of the Forest, 1225.

<sup>38</sup> Charles F. Mullett, "Coke and the American Revolution," *Economica* no. 38 (1932): 460-461, <https://doi.org/10.2307/2549144>; Barker, "NATURAL LAW AND THE UNITED STATES CONSTITUTION," 112.

<sup>39</sup> Steven Miano and Isabelle Blouin, "Practitioner's Insights: The Charter of the Forest—an Enduring Legacy."

<sup>40</sup> Charter of the Forest, 1225.

<sup>41</sup> "An Ordinance for the preservation of Deer, to prevent the mischiefs arising from fire-hunting, and setting fire to the woods.," South Carolina – March Session: 10-12, *HeinOnline*.

complete book of contemporary laws come from Sir Edward Coke and Sir William Blackstone. Their works were found in many universities both in Britain and in the colonies.<sup>42</sup> Blackstone was very widely read in both England and the colonies. His predecessor Sir Edward Coke was also very widely read. These two men were jurists. They were men who were experts in the law and wrote upon the subject extensively.

Sir Edward Coke's *The Institutes of the Lawes of England*, published posthumously in 1628 are effectively his commentaries on the laws of England from the time of the Magna Carta up until the seventeenth century.<sup>43</sup> He writes on several subjects with regards to the law in England. What is most evident though is that he draws a distinct line between how the law had changed. He frequently describes the law as it was in his time to the law in ancient times, to the law during the time of the Magna Carta.<sup>44</sup> Coke expounds upon the rights of widows in his work. The rights of inheritance and what a widow may do with her dower are emphasized greatly in the first volume. Women could not be denied their inheritance upon the death of their husband and no one could deny their right to remarry whomever they chose except the king in the case that whoever they should marry be an enemy of the state.<sup>45</sup> The rights of *dower* were also discussed such as situations in which a *dower* may be forfeited. Women could forfeit their *dower* when they left their husbands to live with another man and did not reconcile with their husbands during

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<sup>42</sup> Mullett, "Coke and the American Revolution," 457–71.

<sup>43</sup> Edward Coke, *The Second Part of the Institutes of the Laws of England: Containing the Exposition of Many Ancient and Other Statutes*, 15<sup>th</sup> edition, (1628; London: E. and R. Brooke, 1797): 16.

<sup>44</sup> Coke, *The Second Part of the Institutes of the Laws of England: Containing the Exposition of Many Ancient and Other Statutes*, *ibid.*

<sup>45</sup> "Statute of Merton, 1235," cap. I-II, in Coke, *The Second Part of the Institutes of the Laws of England: Containing the Exposition of Many Ancient and Other Statutes*, p. 78-81.

the course of their husband's lifetime.<sup>46</sup> Blackstone derives his own work from Coke. Effectively Blackstone's *Commentaries* are an updated version of Coke's work.

Sir William Blackstone in his *Commentaries On The Laws Of England* published between 1765 and 1770 was quite clear on the rights and status of women in England and the colonies. The legal rights of women, particularly married women were very restricted. As legal entities women ceased to exist when they were married. When women married their legal status came under the *cover* of their husbands. Hence, *coverture*.<sup>47</sup> Husbands were forbidden to contract with their wives because it would further serve to subjugate them but they were required to provide their wives with all the legal necessities.<sup>48</sup> If wives acquired debt the husbands were required to pay that debt.<sup>49</sup> Furthermore, in trial proceedings the testimonies of husbands and wives could not be used against each other further it was assumed that they will be one and the same.<sup>50</sup> If a wife was sued then her husband would also be made a defendant.<sup>51</sup> Blackstone further adopted legal traditions that have been in place since the thirteenth century. Marriage rights included inheritance of estates of widowed women.<sup>52</sup> *Feme Coverts*, could even purchase estates without the consent of their husbands. Sale of property done under duress was typically

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<sup>46</sup> "Statute of Gloucester, 1278," cap. IX, in Coke, *The Second Part of the Institutes of the Laws of England: Containing the Exposition of Many Ancient and Other Statutes*, p. 316-317; William Blackstone, *Commentaries*, II, 136.

<sup>47</sup> William Blackstone, *Commentaries on the Laws of England* (Chicago: University of Chicago Press, 1979), 122, 130-131, 137, 442, 444.

<sup>48</sup> William Blackstone, *Commentaries on the Laws of England*, 442.

<sup>49</sup> William Blackstone, *Commentaries on the Laws of England*, 137.

<sup>50</sup> William Blackstone, *Commentaries on the Laws of England*, 443.

<sup>51</sup> William Blackstone, *Commentaries on the Laws of England*, 443.

<sup>52</sup> William Blackstone, *Commentaries on the Laws of England*, 126, 290, 393, 399-400, 404.

voided which is something that seemed to be a common practice in colonial documents.<sup>53</sup> In this sense women were protected in marriage. Throughout this dissertation works of legal importance will be analyzed and compared to the laws of England and Britain as it was later named. This is to show that there was a continuation of an inherently English tradition. With respect to the rights of women, legal rights were most certainly centered upon those of an ancient English tradition. The rights of people of non-European descent are far more complex due to the fact that there are more factors to consider.

The Theory of Just Warfare indicates that some people, including those of non-European descent could be considered slaves in punishment for their service to military opposition, and therefore not citizens with rights. That same theory however also does not extend to the children of enemy combatants.<sup>54</sup> Therefore, non-European slaves could have had children and those children who were born in British colonies should have been considered citizens with the same rights as European citizens. With regards to the native peoples of the North Americas there is even the debate over whether or not they should have been taken as slaves at all and whether or not the Europeans had the right to colonize the Americas according to the Just Warfare Theory. If it is accepted that Europeans had the right to colonize the Americas but not to enslave the Native Americans, because there would have to be proof that Native Americans were aggressors, then those Native Americans would still have to be afforded a certain level of sovereignty to themselves or be considered citizens of whatever European nation colonized that area.

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<sup>53</sup> William Blackstone, *Commentaries on the Laws of England*, 292.

<sup>54</sup> James Farr, "Locke, Natural Law, and New World Slavery," *Political Theory* 36, no. 4 (2008): 495, 501, 503-504, 507-508, 512-513, <http://www.jstor.org/stable/20452649>.

The American War of Independence was not revolutionary. It was just another step in political evolution. It was a regime change with revolutionary changes in government form after a military conflict. The English Civil War (1642-1651) was also revolutionary. Charles I was put on trial and executed by the people. After the conflict Oliver Cromwell and Parliament controlled England. However, after Cromwell died the government was reestablished under the monarchical rule of Charles II. According to historians Tim Harris in *Revolution: The Great Crisis Of The British Monarchy, 1685-1730* and Steve Pineus in *1688: The First Modern Revolution*, England's Glorious Revolution was a true revolution.<sup>55</sup> This was a revolutionary event that helped set the stage for the American War of Independence. It was the first-time succession had been broken, without having a monarch on the throne, and the idea of there being a contract between the monarch and the people had occurred and to be affirmed in the 1689 English Bill of Rights.

The numerous actions of the British monarchs and Parliament as a result of the revolution were benchmarks in the development of political ideology of Americans. The Declaration of Rights made standing armies illegal without the consent of Parliament.<sup>56</sup> Power was not vested in the monarch, but Parliament. This is the historical precedent of the power of the United States Congress and the executive branch of government, the President. A President cannot uniformly decide to send troops to another country, declare war, or to send troops to another state. A

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<sup>55</sup> Tim Harris, *Revolution: The Great Crisis Of The British Monarchy, 1685-1730* (New York: Allen Lane, 2006), 329; Steve Pineus, *1688: The First Modern Revolution* (Yale University Press, 2011), 292-293.

<sup>56</sup> Harris, *Revolution*, 341; John Childs, "1688," *History* 73, no. 239 (1988): 403-404, <http://www.jstor.org/stable/24413986>.

president must have the consent of the majority of Congress to send those troops and to fund the armies. There is no private army.

In the eighteenth century, colonists were so displeased with the Quartering Act of 1765 because they saw it as a violation of their rights as Englishmen. It was a violation of the Declaration of Rights. By enforcing the Quartering Act what the British monarchy and Parliament was doing, was creating a standing army on colonial ground.<sup>57</sup> The British Army was on colonial soil without purpose, permission, and without compensation. When it came to the Tea Act, the Stamp Act and the Intolerable Acts, the British were violating the rights of the colonial English citizens that had been affirmed throughout the centuries. The Magna Carta and various the other government documents protected Englishmen from unfair taxation from the king and from Parliament. When the women of North Carolina participated in the Edenton Tea Party, they were in fact promoting and advocating for the rights of Englishman.<sup>58</sup> It also shows that women were taking part in a revolutionary action. However, it was not exactly revolutionary because for centuries women have been part of the consumer population.<sup>59</sup> Women were the ones that typically bought home goods or overlooked the growth and production of raw materials, such as indigo.<sup>60</sup> They were in charge of many household economies dating back to

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<sup>57</sup> Jack P. Greene, “The South Carolina Quartering Dispute, 1757-1758,” *The South Carolina Historical Magazine* 60, no. 4 (1959): 193–204, <http://www.jstor.org/stable/27566251>; William S. Fields and David T. Hardy, “The Third Amendment and the Issue of the Maintenance of Standing Armies: A Legal History,” *The American Journal of Legal History* 35, no. 4 (1991): 402-403, 405-407, 413-420, <https://doi.org/10.2307/845653>.

<sup>58</sup> Gail Collins, *America’s Women: Four Hundred Years of Dolls, Drudges, Helpmates, and Heroines* (New York: William Morrow, 2003), 79, n.293.

<sup>59</sup> Barbara B. Oberg, ed., *Women in the American Revolution: Gender, Politics, and the Domestic World* (Charlottesville: University of Virginia Press, 2019), 56-57.

<sup>60</sup> Andrea Feeser, *Red, White, and Black make Blue: Indigo in the Fabric of Colonial South Carolina Life*, 1st ed. (Athens, Georgia: The University of Georgia Press, 2013): 12, 35, 42; Joyce Appleby, *Inheriting the Revolution*, 21-22.

the Middle Ages, so it was not shocking that women would participate in an action which would have an economic effect. What is shocking is that women who did in fact participate in actions supporting a patriotic cause did not benefit from the decisive conclusion of the military conflict.

Shock of lack of benefit and reward stem from the knowledge that colonists also experienced the Enlightenment Movement. The movement affected reason and the ability to rationalize. During the era from the late 1600s to the late 1700s there was a movement known as the Enlightenment. This movement was revolutionary as it built upon humanist teachings while introducing new ideas about many other subjects. Scholars were theorizing that the way in which society operated had as much to do with the past as it did current events. Scientists were also becoming increasingly innovative and making some of the teachings of the church irrelevant. There were changes in education systems. The University of Edinburgh for instance came to be as one single university rather than a college that split up into different institutions. The unity in Edinburgh allowed for academic discourse and debate. It is from this movement that different scholars and philosophers came to be. Hugo Grotius, Thomas Hobbes, Montesquieu, David Hume, John Locke, and many others contributed to the Enlightenment, or they were influenced by it. These philosophers went on to influence the founding fathers of America.

The Enlightenment was an intellectual, and somewhat religious movement, which occurred during the seventeenth century and eighteenth century. Contrary to popular belief there was not just one movement. There was the Scottish enlightenment, English enlightenment, Spanish enlightenment, and there was an enlightenment that occurred in the American colonies. It was in many ways a global movement that occurred at different times with different results in different locations. What all movements had in common was that they appealed to reason rather than faith. The reason-based philosophies that came out of the Enlightenment did inform the

religious societies at the time. The Enlightenment also appealed to political philosophers and used reason to either validate or invalidate contemporary ideas as to political thinking. This political thinking was geared more towards aspects of individual freedoms and rights of citizens. It is within this Age of Enlightenment that the term inalienable rights came to be used extensively. How people viewed freedom and tyranny was also defined by these ideologies and philosophers. John Locke who is commonly associated with the American ideas of liberalism is part of this movement.

Hugo Grotius, a Dutchman, is held as a founding father of modern law and subjective rights. However, in his construction of non-European peoples as enslaveable and (dis)possessable, argues Mikki Stelder in “The Colonial Difference in Hugo Grotius: Rational Men, Slavery, and Indigenous Dispossession,” is what permitted colonial conquest and the emergence of Europeans as free, rational men to occur as legal entities.<sup>61</sup> This is particularly true as to the Europeans and colonists, people had to be capable of mutual reciprocity, and consent; To be rational and free to be able to eventually be citizens. It is this logic which informed attitudes towards slavery in the Americas, even towards women until well into the twentieth century. The nine rules and thirteen laws, principles, and precepts, in *Prolegomena of De Indis* are particularly of interest.<sup>62</sup> Notions of property ownership and laws of nations were founded in this work. The basics of natural law are also laid.

In his work *On The Rights Of War And Peace*, Grotius contemplated the relationship between natural law and *servitus* or the enslaved. His argument was that slavery did not exist in

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<sup>61</sup> Mikki Stelder, “The Colonial Difference in Hugo Grotius: Rational Men, Slavery, and Indigenous Dispossession,” *Post Colonial Studies* 25, no. 4 (2022): 565, accessed July 26, 2023, <https://doi.org/10.1080/13688790.2021.1979297>.

<sup>62</sup> Stelder, “The Colonial Difference,” 567.



natural law and therefore encompassed Roman principles, but there was such a thing as voluntary slavery.<sup>63</sup> This theory was used to support the enslavement of children born to parents who voluntarily enslaved themselves. The rationale behind this was that because they were born to enslaved peoples, they were beholden to the masters for their upkeep. Because Grotius theorized that forced slavery did not exist in natural law, he was distinct in his departure from Aristotle's teachings that some men are slaves by nature.<sup>64</sup> Even by the sixteenth and seventeenth centuries, there was conflict within ideologies over slavery and freedom.

Thomas Hobbes also contributed to America's colonial enlightenment. The views espoused by Hobbes regarding slavery involve a great amount of interpretation. Especially given Hobbes's support of authoritarianism or an absolute system of Monarchy. It is in *Leviathan*, that Hobbes's vision of society is famously critiqued by his contemporary George Lawson that "the great monstrous animal has been examined and viewed: and is found to consist of an absolute power, and absolute slavery."<sup>65</sup> In his works *Leviathan*, *Elements of Law*, and *De Cive* Hobbes emulates Aristotle's theory of slavery called natural slavery or Aristotelian slavery. In *Elements of Law*, Hobbes claims that slaves have the "right of delivering himself, if he can, by what means soever."<sup>66</sup> In *De Cive*, Hobbes argues that slaves have natural rights: "if they run away, or kill

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<sup>63</sup> Hugo Grotius, *On the Rights of War and Peace*, VI-VII.

<sup>64</sup> Stelder, "The Colonial Difference in Hugo Grotius: Rational Men, Slavery, and Indigenous Dispossession," 570; Malcolm Heath, "Aristotle on Natural Slavery," *Phronesis* 53, no. 3 (2008): 243–270, <http://www.jstor.org/stable/40387959>; Aristotle, *Politics*, I.1-2,5-6,13, III.14.

<sup>65</sup> George Lawson, *An examination of the political part of Mr. Hobbs his Leviathan* (London, 1657), 118; Luban, "Hobbesian Slavery," 727.

<sup>66</sup> Thomas Hobbes, *The Elements of Law, Natural and Politic* (Oxford: James Thornton, 1888), 128.

their master, they are not acting against the natural laws.”<sup>67</sup> In *Leviathan*, Hobbes clearly states that slaves “have no obligation at all, but may break their bonds or the prison, and kill or carry away captive their master, justly.”<sup>68</sup> Aristotle claimed that “anyone who, while being human, is by nature not his own but of someone else. And he is of someone else when... He is a piece of property; And a piece of property is a tool for action separate from its owner.”<sup>69</sup> To Hobbes there was a distinction between those who were free and those who were unfree. Those who were freed were in charge of the government and participating members of society, citizens. Those who were unfree were slaves. To be a slave meant to be under the absolute control of citizens and other free inhabitants. Slaves had no ability to act independently.

Hobbes believed that the Greeks and Romans intentionally sought to bias their audiences against monarchical governments because there was a history of deposing sovereign kings in favor of a democratic government. However, it was for this purpose that it was necessary for there to be a constitutional government with a Parliament or Congress and an executive branch. Without the favor of the people, no government could prevail. The events of the thirteenth century demonstrated this very well. King John lost the favor of his barons because of his taxes and the violation of women’s marriage rights. The resulting revolts led to the signing of the Magna Carta. The seventeenth century was also a time in which a monarch was in trouble for violating the rights of the people. The king had suspended Parliament and resulted in the catapulting of the country into a revolutionary era of political change. The revolutionary change

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<sup>67</sup> Thomas Hobbes, *On the Citizen [De Cive]*, ed. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998), 8.4.

<sup>68</sup> Thomas Hobbes, *Leviathan Or the Matter, Forme, & Power of a Commonwealth, Ecclesiasticall and Civill*, ed. A. R. Waller (London, 1651. Reprinted Cambridge: Cambridge University Press, 1904), 97.

<sup>69</sup> Aristotle, *Politics*, I.1254, b16-21.

was the institution of both William and Mary as co-monarchs, which was a break in the line of succession.<sup>70</sup> However, what enabled them to do this was the previous king's suspension of Parliament and the violation of the people's rights.

Jean-Jacques Rousseau is yet another philosopher of the Enlightenment Era to whom the United States owes much in the way of viewing the People's relationship to government and slavery. His work may have had an influence on the people's mindset of the 1770s and early 1780s, but it is more likely that the philosophy which his work contained had a profound impact on the United States as it was after the revolution in France and the early Republic of the United States. This is so simply because of the time of publication of his primary political works. It is also well known that the French Revolution was influenced by the American Revolution. It stands to reason therefore that the philosophy which promoted that revolution would have been known by the people in America, if not during their own revolution after it. His 1762 work entitled, *On the Social Contract, Or Principles of Political Right*, is a political discourse that incorporates the philosophies of many others such as Hugo Grotius. Rousseau argues for and against other philosophers in different aspects. When it comes to slavery however, he is against Hugo Grotius argument that slavery has its origins in warfare.

He points out that Grotius states that slavery is a result of just warfare and that his definition of just slavery is that a losing combatant may purchase his life by selling himself into servitude.<sup>71</sup> Rousseau claims that slavery is illegitimate in that any person who sells themselves

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<sup>70</sup> Childs, "1688," 398, 414-415, 419-421.

<sup>71</sup> Jean-Jacques Rousseau, *On The Social Contract Or Principles Of Political Right* (1762), Chapter 4, <https://web.viu.ca/johnstoi/rousseau/socialcontract.htm>.

into servitude is not in their right mind, that it is a state of madness.<sup>72</sup> Rousseau goes on to claim that the state of war is not an act between individuals, but acts between different states.<sup>73</sup> By making this claim Rousseau is arguing that if two men have a duel then the victor cannot claim the loser as a slave because it is not a war. Rousseau claims that and men could give themselves to a king which would therefore form a social contract.<sup>74</sup> Without the support of the people that king would have no power. To his rationale the people could not be slaves, simply because they are the ones with the power. For them to have sold themselves into servitude to liberate themselves of their liberty was illogical and therefore madness in of itself.

George Fox, although not an enlightened thinker and was the father of Quakerism did have an impact on the nation's views of slavery. The religion of Quakerism also had an impact on women's roles in society. George Fox never denounced nor endorsed slavery. He did however preach kindness to those held in slavery.<sup>75</sup> It is also well known that Quakerism is a religion that is based in equality. Men and women are known to this day to be very egalitarian in the practices of the Quaker religion. Both men and women could hold services in their own right even in the seventeenth and eighteenth centuries. All are equal under the gaze of God. This tenant applied to those enslaved but to a lesser degree because of the pacifist tones of the founding fathers of the religion. It was preferred by Fox that Quakers who had slaves manumit them, but he

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<sup>72</sup> Rousseau, *Ibid.*

<sup>73</sup> Rousseau, *Ibid.*

<sup>74</sup> Rousseau, *Ibid*, Chapter 5.

<sup>75</sup> Kenneth L. Carroll, "George Fox and Slavery," *Quaker History* 86, no. 2 (1997): 16–25, <http://www.jstor.org/stable/41947358>; George Fox, *Gospel-Family Order; Being a Short Discourse Concerning the Ordering of Families, Both of Whites, Blacks, and Indians*. N.p., 1676.

acknowledged that forced manumission was not being true to the Christian belief. True acts of kindness and godliness must come from within.

How people ascribed certain freedoms and liberties to its citizens in society is in question. By the seventeenth and eighteenth centuries, semi-fractured political system and societal structures dominated the American colonies. This is in part due to the fact that the colonies were established at different times, they were established for different reasons, they were established under different leaders, and there were different events and interactions with other peoples that informed their society as to how life would be governed. Some things remained the same in all colonies. Women, while they were considered citizens did not have the same rights and freedoms as men, and the development of chattel slavery also impacted how Africans and to a point Native Americans were treated. Being a woman in the Carolinas and Georgia was different depending on the socioeconomic status of their family, than being a woman in other regions, especially northern colonies. This will be discussed more in-depth in the next chapter of the dissertation. The citizenship status of Native Americans does appear to have remained sovereign, unless they married an English citizen. The enlightened philosophers of the Age of Enlightenment barely viewed women as relevant subjects of discourse. However, they did discuss slavery to a great extent.<sup>76</sup> Slavery was discussed to a great extent because it was by

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<sup>76</sup> Justin Roberts, *Slavery and the Enlightenment in the British Atlantic, 1750-1807* (Cambridge: Cambridge University Press, 2013); Locke, *Two Treatises*, 141, 269, 271, 379-280, 286, 315, 390; Jennifer Welchman, "Locke on Slavery and Inalienable Rights," *Canadian Journal of Philosophy* 25, no. 1 (1995): 67-81, <http://www.jstor.org/stable/40231899>; James Farr, "Locke, Natural Law, and New World Slavery," *Political Theory* 36, no. 4 (2008): 495-522, <http://www.jstor.org/stable/20452649>; James Farr, "'So Vile and Miserable an Estate': The Problem of Slavery in Locke's Political Thought," *Political Theory* 14, no. 2 (1986): 263-89, <http://www.jstor.org/stable/191463>; Charles Montesquieu, *The Spirit of the Laws*, trans. Thomas Nuget (New York: Colonial Press, 1899), V.

logic, oppressive. Citizens in order to be citizens and part of a functioning society could not be oppressed.

There were also ideas about how slavery could be justifiable and in what ways was it proof of a world of barbarism. In examining those ideas, an examination of the theory of just warfare which dates to ancient times and even to the time of the Norman invasion is necessary. What then made the colonies in America so different, especially regarding women and Africans? The answer is that life had continued much the same or actually gotten much worse from the time of the establishment of each colony. However, the Age of Enlightenment did provide logical precedent by which the rights of women and Africans and later Native Americans would grow to the degree it is today.

Throughout the history of the United States of America the concepts of freedom and liberty are unmistakably intertwined. In approaching the issue of slavery in an era in which the people were fighting for their freedom and liberties against a tyrant an analysis as to the differences must be understood and the education of the people of the colonial era must also be examined to some extent. The apparent exclusion of the rights of women must also be examined through this context. Thomas Ricks contends that the revolutionary generation did not study the works of enlightened philosophers as much as they did those of antiquity.<sup>77</sup> This means that the work of John Locke, Montesquieu, Rousseau, and others like them may have only been studied on the periphery of the education of the revolutionary generation. It does not mean however that it did not have an impact.

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<sup>77</sup> Ricks, *ibid*, Ch. 1.

The education of American colonists impacted their thought processes and the formation of a new government in many ways. Georgia's founder, James Edward Oglethorpe was a very educated person. He was educated at Eton and attended military colleges in both Britain and France. While attending Eton his primary advisor was one Basil Bennett, who taught on Roman learning and history.<sup>78</sup> Oglethorpe's education and military experience would influence his thought processes regarding the development of the royal colony of Georgia. Georgia, though largely thought to have been established as a reprieve from debt and that was the reason why there was a restriction on slavery, was in actuality established as a buffer colony between the Carolinas and Spanish Florida; and the reason for the restriction of slavery was due to the fact that, Oglethorpe believed that while slavery was economically advantageous in a fledgling province it could be detrimental and the people had to be able to support themselves. The influence of Oglethorpe's education is further seen in his pamphlet which references both Greek and Roman history.<sup>79</sup> There is obvious reference to Thomas Bacon. Bacon's influences demonstrated in Oglethorpe's religious toleration. Later there's politicians and leaders from the Carolinas and Georgia will be influenced by Bacon and other enlightened philosophers, who themselves were influenced by Bacon.

This is strongly related to how the Enlightenment movement affected with the development of a new nation. American colonists depending on where they were from and what class they came from were largely impacted by the Enlightenment movement. Northern colonists provided they were of substantial means typically went to colonial colleges. These colleges were

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<sup>78</sup> Francis Hutcheson, *Francis Hutcheson: Two Texts on Human Nature*, ed. Thomas Mautner (Melbourne: The Cambridge University Press, 1993), 21.

<sup>79</sup> James E. Oglethorpe, *Some Account of the Design of the Trustees For Establishing Colonys in America*, ed. Noeleen McLleena (Athens: University of Georgia Press, 2021), *Project Muse*.

headed by men such as John Wesley and other men who had been impacted by the Scottish and English enlightenment philosophers. These men would have been required to have been able to recite the classics in Greek and Latin before entering the schools. In fact, only one of the first four the president's had not been a college graduate and that was George Washington. George Washington had still been influenced by the classics. He had even been to see a play in Charleston, South Carolina when he was a young boy on *Cato*.<sup>80</sup> Men from the southern colonies because they were newer colonies and or concentrated on shipping for their fortunes were either educated at home, by private tutors, or if they were wealthy educated in England.

Some men may have been influenced by the teachings of their churches, and in South Carolina and Georgia there were communities of Quakers and Moravians which impacted their thoughts on slavery and even democratic functions of society.<sup>81</sup> Women conversely were not educated like men. They were usually educated at home by their mothers and given a much more rudimentary level of education.<sup>82</sup> Their education revolved around basic arithmetic so that they may balance the household accounts; they were educated in household economies such as sewing and cooking. Women were also informed as to how to conduct business in the absence of their significant others. There were rare instances in which women would be sent a way to be

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<sup>80</sup> Ricks, *ibid.*, Ch. 2.

<sup>81</sup> Philip Africa, "Slaveholding in the Salem Community, 1771-1851," *The North Carolina Historical Review* 54, no. 3 (1977): 271-307, <http://www.jstor.org/stable/23529858>; Young Hwi Yoon, "The Spread of Antislavery Sentiment through Proslavery Tracts in the Transatlantic Evangelical Community, 1740s-1770s," *Church History* 81, no. 2 (2012): 349, <http://www.jstor.org/stable/23253818>; John Woolman, *The Journal of John Woolman With and Introduction by John G. Whittier* (Boston and New York: Houghton Mifflin Company, 1909), 8.

<sup>82</sup> Mary Wynne Brazeal, "\$40.00 bill from E. Kirkley in Milledgeville for 3 months tuition and board for Mary and Elizabeth. E. Kirkley signature. Also list of items bought for the girls," 1814. File# 15. Pgs. 2. Original Laurens County, GA 19<sup>th</sup> Century Documents Collection, Laurens County Library, Laurens County, Georgia.



educated by others, however this was typically done when they were orphaned and there were no other female relatives to oversee their education.

It can thus be said that the education of white men, because they were the ones that would have been able to afford an education that concentrated on political philosophy is what effected the formation of a new government. They had a firm grounding in history and political philosophy. These men were also taught from a reasonably young age to be public orators. Typically, men such as Thomas Jefferson did not speak in public without being informed as to the subject in which they were speaking on.<sup>83</sup> In the Carolinas and Georgia, because they were so separate from the northern colonies in terms of overall wealth and because they had different methods of educating their citizens may have influenced a different avenue of development in the philosophies of the people therein in.

People of the eighteenth century in colonial America were very knowledgeable. Many men like Thomas Jefferson and John Adams attended colleges where the prerequisites for attendance included extensive understanding of Latin and Greek, like in the College of William and Mary, Harvard, and many of the independently operated colonial institutions located in the Carolinas and Georgia. Continued studies of Plato, Cicero, and Tacitus were often led by men such as Joseph Mayhew and other scholars.<sup>84</sup> As such attendees of these colleges were often included in a network of philosophers that expanded their political and intellectual philosophies.

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<sup>83</sup> John Adams, *Diary and Autobiography of John Adams*, ed. L.H. Butterfield (Cambridge, MA: Harvard University Press, 1961), 3:335. Transcription available at Founders Online.

<sup>84</sup> Ricks, *ibid*, Ch. 3.

It was more common for people in the Carolinas and Georgia to have been provided a very high degree of education if they, the men, came from wealthy families. These men were often allotted provided a higher education in Britain if they were sent away for college or for an apprenticeship.<sup>85</sup> It is this education that enabled the founding generation to argue for historical precedent and to provide distinction between concepts. They were also provided with a more modern education in political and legal history. The works of William Blackstone were widely read in the colonial colleges, as such knowledge of the significance of other documents, such as, the Magna Carta, the Charter of the Forest, the Justification for Taxation of 1225, the English Bill of Rights, and others were very well known. These men would have been well aware of the theories of just war and justification for enslavement. They were able to use those to justify going to war against Britain but were presented with a problem when it came to the enslavement of Indians and Africans as well as the providing of equal rights to women and men of lower socioeconomic status.

In the southernmost colonies of the Carolinas and Georgia there were few institutions of higher learning. Some of the ones that did exist such as Queens College in Charlotte, North Carolina were never officially recognized by the crown but by colonial assemblies.<sup>86</sup> It is unclear as to the interest qualifications of these institutes. However, men of the Carolinas and Georgia were still very educated. Particularly those from elite planter families. Families such as the religious and Laurens's family from South Carolina often sent their sons to Britain to obtain an

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<sup>85</sup> Henry Flanders, *The Lives and Times of the Chief Justices of the Supreme Court of the United States: John Jay and John Rutledge* (New York: J. Cockcroft & company, 1875): 437-439.

<sup>86</sup> "An Act for founding establishing and endowing of Queen's College in the Town of Charlotte in Mecklenburg County," in *Acts of the North Carolina General Assembly, 1770 – 1771, Colonial and State Records of North Carolina*, Vol. 25. Raleigh, N.C.: General Assembly, December 05, 1770 - January 26, 1771. 519a-519f. Documenting the American South. <https://docsouth.unc.edu/csr/index.php/document/csr25-0053>.

education and apprenticeships. James Oglethorpe, the Founder of Georgia, was educated at Eton college and a military academy giving him a sound basis for understanding the correlation between politics, religion, economics, military, and historical actions. The remaining Georgian governors were also from Britain or Ireland and educated aboard too. This included the last royal governor of Georgia James Wright, who was educated in Britain at Gray's Inn as a lawyer and even practiced in Charles Town, South Carolina.<sup>87</sup> Little is known of the governors of North Carolina. It can be assumed that the academic networks would have included most of the governors.

By the late eighteenth century, the ideological belief systems of the men in the Carolinas and Georgia were not just informed by way of colleges and universities. Life experience also help to inform the minds of great men and the common people. Henry Laurens was a man who did not benefit from the typical college education even though he came from an affluent family. David Wallace in the *Life and Times of Henry Laurens* emphatically illustrates that by the generation in which Henry was born the family had not decreased in wealth but rather began to become more distinct in how they appropriated funds and how they wished their children to be educated and or find a career path.<sup>88</sup> In comparison with earlier generations Henry did not go to college. He instead was educated at home in Charleston and was sent overseas to learn a trade by his father. Henry was expected to make his own way in a sense. There was an expectation that male heirs, such as Henry Laurens, would be useful contributors to society. Henry Laurens did not know multiple languages, in fact he had to ask friends to translate letters into French which is

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<sup>87</sup> David Lee Russell, *Oglethorpe and Colonial Georgia: A History, 1733-1783* (North Carolina: McFarland & Company, 2006), 57.

<sup>88</sup> David Duncan Wallace, *The Life and Times of Henry Laurens, With a Sketch of The Life of Lieutenant-Colonel John Laurens* (New York and London: G. P. Putnam's Sons, 1915).

ironic considering his family for descendants of French Huguenots.<sup>89</sup> His family did own slaves in the eighteenth century and nineteenth century. However, as Henry was afforded a more practical education by way of life experience, he was also afforded the opportunity to get to know people within Charleston both black and white. He was also well aware of the political and philosophical environment of in this way he became enlightened not through education but by way of experience.

Charles Pinckney was educated privately in Charleston, South Carolina in preparation for his future career in law. His tutor was a noted physician and politician, named David Oliphant. Oliphant was educated at the University of Edinburgh and a known Jacobite. Oliphant's education is particularly important to Charles Pinckney's development as a politician. The University of Edinburgh was the center of the Scottish enlightenment and produced or attracted such figures as David Hume, William Robertson, Hutcheson, and Adam Smith.<sup>90</sup> These intellectuals often taught concurrently. The University's organization made academic exchange a near certain occurrence. It was not a university that was scattered about in different colleges such as Cambridge or Eton. Professors were not segregated. It was a college that was unified. Academic exchange and philosophic exchange were encouraged by being in close proximity.<sup>91</sup> Thus, the exchange of ideas and intercourse between students, professors, and subject matter

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<sup>89</sup> Wallace, *The Life and Times of Henry Laurens*, 15.

<sup>90</sup> Robert Thornton, "The University of Edinburgh and the Scottish Enlightenment," *Texas Studies in Literature and Language* 10, no. 3 (1968): 416-420, accessed August 19, 2023, <https://www.jstor.org/stable/40755174>.

<sup>91</sup> Thornton, "The University of Edinburgh and the Scottish Enlightenment," 417.

occurred regularly. Students who were accepted there were expected to be very serious academics studying at least 14 hours a day.<sup>92</sup> Students looked to their professors for guidance.

As these professors exerted the “qualities of Presbyterianism, Moderatism, Hutchinson, Bacon, and Newton, the university became a factory producing students more interested in how to “improve public welfare,” and “teaching themselves to respect minorities like Quakers and Roman Catholics,” then differentiating between political parties or proving their own religion.”<sup>93</sup> Oliphant's impact on Pinckney may have been miniscule but it was there. His impact is demonstrated in his desire to eliminate religious testing in voting criteria.<sup>94</sup> The tolerance of other religions in the Carolinas and Georgia would have other far-reaching effects. Quakers, Moravians, and Lutherans were all involved in some degree of early abolitionist activities.

Unlike Charles Pinckney, John Rutledge, one of South Carolina’s revolutionary leaders, studied at Middle Temple College in London. His education led to a very prosperous legal career as well. His brother Edward Rutledge also studied at Middle Temple.<sup>95</sup> The Rutledge family were very well to do and could afford to send their sons to university in England. At this time, it was a very acceptable career path for a young man to but taken, going to a university and becoming a barrister. It was a path in which a family could move forward economically and socially. Prior to their education in London, the Rutledge brothers were educated at home by English clergyman

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<sup>92</sup> Thornton, “The University of Edinburgh and the Scottish Enlightenment,” 420.

<sup>93</sup> Thornton, “The University of Edinburgh and the Scottish Enlightenment,” 417-421.

<sup>94</sup> Charles Pinckney, "Charles Pinckney in the United States Senate," in *The Records of the Federal Convention of 1787*, vol. 3., ed. Max Farrand (New Haven: Yale University Press, 1911), accessed October 1, 2023, <https://www.consource.org/document/charles-pinckney-in-the-united-states-senate-1800-3-28/20130122084701/>.

<sup>95</sup> Henry Flanders, *The Lives and Times of the Chief Justices of the Supreme Court of the United States: John Jay and John Rutledge*, 437-439.

Reverend Mr. Andrews and James Parsons a barrister in South Carolina who served on the colonial bar.<sup>96</sup> These gentlemen both were very well grounded in classical knowledge. The brothers were given lessons in Greek and Roman language as well as literature. Philosophy begrudgingly was a center point of their education. As the education systems at this time were very entrenched in enlightened philosophies, they themselves became influenced by the ideology circulating the can we just start with universities.

The British government of the colonial era was the result of thousands of years of political development. By the latter half of the eighteenth century there were clear Greek, Roman, Italian, religious, and philosophical influences on what a citizen was and what a good ruler was. The rights of both citizens and rulers in society was something that was widely acknowledged and accepted. In fact, the War of Independence was initiated because the British King George III and the British Parliament violated the rights of the American colonists, who were British citizens. These understandings and influences grew overtime. Much like common sense.

The idea of government, especially of kingship and constitution evolved from the Greeks. These ideas became so intertwined that they evolved over many thousands of years. The British government of the eighteenth century was a product of the teachings and revolutions of Greek and Roman philosophers and events. There were other events occurring during the middle and modern era that had an impact such as religious and military actions. Despite what John Adams inferred in his correspondence written in the early nineteenth century, the American War of

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<sup>96</sup> Flanders, *The Lives and Times of the Chief Justices of the Supreme Court of the United States: John Jay and John Rutledge*, 436; David Ramsay, *History of South Carolina: From Its First Settlement in 1670 to the Year 1808* (1809; Newberry, SC: W. J. Duffie, 1858), 269.

Independence was in the beginning not a revolution but a rebellion and was only thought of as a revolution in a true sense afterwards.

The concepts of liberty and freedom were derived from the works of Aristotle and Cicero. In the western civilizations that sprang up from the time of the Middle Ages up until the colonial era of the Americas the concepts of liberty and freedom were frequently at odds. These concepts were adopted from the Greeks and Romans and adapted to the societal context in which this civilization existed. According to the articles written by Geoff Kennedy and Miora Walsh, which draw heavily from Aristotle's *Politics* and Cicero's works *De Republica* and *De Legibus*, there was an inferred difference between *libertas* and freedom.<sup>97</sup> According to Aristotle's *Politics*, anyone who is not a slave, without coercion, and has the capacity to think for themselves is free. It is this freedom that is necessary for the success of the *polis*.<sup>98</sup> Liberty or *libertas* is different according to the article by Geoff Kennedy analysis of *De Republica* and *De Legibus*.<sup>99</sup> Liberty from Cicero's view was the legal protection against arbitrary action of the government accorded to certain citizens.<sup>100</sup> Therefore, freedom was more of a personal concept or right which everyone had so long as it did not infringe upon the freedom of others.

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<sup>97</sup> Geoff Kennedy, "Cicero, Roman Republicanism and the Contested Meaning of Libertas," *Political Studies* 62 (2014): 488-501, accessed August 30, 2020, doi:10.1111/1467-9248.12037; Moira M. Walsh, "Aristotle's Conception of Freedom," *Journal of the History of Philosophy* 35, no. 4 (Oct 01, 1997): 495, <http://ezproxy.liberty.edu/login?url=https%3A%2F%2Fwww.proquest.com%2Fdocview%2F1297302339%3Faccountid%3D12085>; Aristotle, *Politics*, trans. Benjamin Jowett, 350 B.C.E, *Internet Classics Archive*, accessed October 1, 2019, <https://classics.mit.edu/Aristotle/politics.htm>; Cicero, *De Republica*, Loeb Library edition (Cambridge: Harvard University Press, 1928); Cicero, *De Legibus*, Loeb Library Edition (Cambridge: Harvard University Press, 1928).

<sup>98</sup> Aristotle, *Politics*, I.1-2, III-IV.

<sup>99</sup> Geoff Kennedy, "Cicero, Roman Republicanism, and the Contested Meaning of Libertas," 497-499.

<sup>100</sup> Cicero, *De Republica*, I.43.

When an individual's freedom and actions went against the public good or those of another individual, it became a question of liberty. The theories of natural law, virtue, and even just war contributed greatly to the colonial mindset. It is accepted that because it was the actions of the king that infringed upon the public good and freedoms of the individuals and the colonies as well as represented an arbitrary violation of their legal protections as Englishmen, that King George had violated natural law. Furthermore, these ancient concepts had evolved to influence how people thought of the roles of individuals such as women and enslaved peoples in society.

The concept of the rights of subjects of the Crown or citizenship in the eighteenth century was vague in the American colonies. What is most definite is that in order to be an English subject one had to be born in English territory and or have at least one English parent. This was the result of centuries of legal evolution in terms of definition.<sup>101</sup> In the Middle Ages when the socio economic and military system known as feudalism was rampant throughout Europe and England, the concept of being a subject to the Crown was dependent upon the personal relationship between the king and subject.<sup>102</sup> In order to be a subject in the Middle Ages one had to swear fealty to the king, be willing to fight in his wars and in his name, and eventually and concurrently have the rights of a Baron. Essentially the only ones who were subjects were the landed nobility. Serfs were not subjects, but they have the potential to become subjects through military service. Serfs even had the ability to become subjects through marriage. The process of naturalization or becoming a subject in specific colonies differed and depended on the colony's

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<sup>101</sup> James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Va, by the University of North Carolina Press, 2014), 3-4, 30-32, 52-54; John Locke, *Two Treatises of Government*, ed. Peter Laslett, II (Cambridge, 1960), sec. 151; A. H. Carpenter, "Naturalization in England and the American Colonies," *The American Historical Review* 0, no. 2 (1904), 290, 295, 297-298, <https://doi.org/10.2307/1833367>.

<sup>102</sup> Gordon Wood, *Radicalism of the American Revolution* (New York: Vintage Books, 1993), 259.



legislative requirements as well as English parliamentary statutes. In the Carolinas the process was easily accomplished. The process of naturalization was different in Georgia, but initially easily if selected.

Throughout all thirteen colonies the concept of citizenship and subject hood did change from the colonial era to the time of the early Republic. Historian Gordon Wood wrote on the radical change from being a subject of the Crown to a citizen in *The Radicalism of the American Revolution*.<sup>103</sup> David Ramsey of South Carolina who wrote in the late eighteenth century and lived through the Revolutionary Era, also wrote on the topic of the distinction between citizenship and being a subject of the crown. In the words of David Ramsey:

The difference is immense. Subject is derived from the latin words, *sub* and *jacio*, and means one who is under the power of another; but a citizen is an unit of a mass of free people, who, collectively, possess sovereignty.

Subjects look up to a master, but citizens are so far equal, that none have hereditary rights superior to others. Each citizen of a free state contains, within himself, by nature and the constitution, as much of the common sovereignty as another. In the eye of reason and philosophy, the political condition of citizens is more exalted than that of noblemen. Dukes and earls are the creatures of kings, and may be made by them at pleasure; but citizens possess in their own right original sovereignty.<sup>104</sup>

In the seventeenth century being a subject of the Crown was a deeply intimate matter.

The allegiance that subjects owed to their monarch was a personal and individual matter because the monarch was the *paterfamilias* of the nation, he was the father of the nation.<sup>105</sup> Subjects therefore became the children who owed an allegiance to the father of their family. When

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<sup>103</sup> Gordon Wood, *Radicalism*, *ibid*.

<sup>104</sup> David Ramsay, *A Dissertation*, 3.

<sup>105</sup> Gordon Wood, *Radicalism*, 20, 259-262; Sir Edward Coke, quoted in Gordon Wood, *Radicalism of the American Revolution*, 20; William Blackstone, quoted in Jerrilyn Greene Marston, *King and Congress The Transfer of Political Legitimacy, 1774-1776* (Princeton, 1987), 24.

children did not have a personal or individual allegiance to their father, the king, the monarchy became unstable.

Under the rule of the British monarchy, people living in British colonies were not citizens, they were subjects of the crown. Limitations on their rights were due to the fact that the center of political power was in Britain and political power remained with the landed, titled elite. After the American War of Independence subjects of the crown became citizens who had more direct political input.<sup>106</sup> Voting rights expanded as did access to legal courts. Women and free people of color became citizens in some of the newer states yet did not have the same rights and freedoms as white men. Enslaved people certainly did not become citizens, nor did they obtain rights and liberties. Ancient philosophies and precedent set forth in English history informed the rationale behind the restriction of rights and liberties for women, free people of color, and enslaved people.

Another inference that can be made is that due to the military aspect of citizenship and the traditions that surrounded it that women were only partially included in the criteria for citizenship. They were not given full rights as citizens because they could not fight for those rights and yet their children could be considered citizens of England or Great Britain because they themselves were the product of that specific heritage. Slaves whether they be African or Native American could be considered citizens in that they were brought into and eventually born on English territory thereby making them English natural born citizens and yet because they were born in bondage, they were unable to be considered full citizens. Slaves and servants,

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<sup>106</sup> Gordon Wood, *Creation*, 47-48; Gordon Wood, *Radicalism*, *ibid.*

especially if they were male had more potential to be considered full citizens because they had an innate ability to fight for their rights in military conflict.

The reason some people had more rights and freedoms than others in the eighteenth century and early the nineteenth century stems from the colonial traditions which were based on a more feudalistic tradition. Men who owned property or were part of the nobility and contributed to military endeavors were given preferential treatment by the monarchy. They were given more lands they were given more money and power. Women, because they could not fight in the military, were not provided the same luxury as their male counterparts. However, they were afforded some privileges according to their stations because they were considered conduits of inheritance. Women were the bearers of future heirs. If a male heir to a family was not born but there were daughters, one of their sons could inherit land, money, and potentially titles. Women were also responsible for raising those children. It was essential that they be afforded provisions upon the deaths of their fathers and husbands. They simply were not given a voice in politics and their inheritance was standardized and could be afforded more upon the wishes of their male relatives. Slaves on the other hand were not considered citizens because the philosophies at the time found them to be outside the legal framework. They were nonentities. They did not have the freedom nor liberty to exist as individuals and so could not participate in legal matters. This disqualified them as being citizens. However, upon obtaining freedom slaves theoretically should have been afforded the same rights as citizens according to their station.

### Chapter Three: Women And People Of Color In The Colonial Carolinas And Georgia

During the colonial era, the Carolinas and Georgia were mirror images of a more antiquated past. They were inspired by the enlightened ideas that transversed the Atlantic in the latter half of the eighteenth century. However, the ideology that was espoused did not change the lives of women and Africans to a significant degree. The rights of citizenship or those conveyed to subjects of the Crown, the social order, and in general the lives of colonists are far too complex to convey in a single chapter. It is necessary to analyze a figurative social structure and the various laws under which they resided. In the colonial era, women and people of color in the Carolinas and Georgia had varying degrees of authority depending on their status.

Legal residence as a Crown subject in the Carolinas was easily obtained as demonstrated in the language of the Constitution of the Carolinas as it was drafted by John Locke under the direction of Lord Shaftsbury. Any person above the age of seventeen who swore an oath of loyalty to King Charles and his heirs and to the Lord's proprietors and their heirs, and their successors, would be naturalized citizens.<sup>1</sup> Throughout this document there are references being made to errors and successors and even the establishment of a landed aristocracy.<sup>2</sup> It is also evident that military service was a condition of citizenship. Clause 116 of the Fundamental Constitutions of the Carolina states that: "All inhabitants and free men of Carolina above seventeen years of age, and under sixty, shall be bound to bear arms, and serve as soldiers whenever the grand council shall find it necessary."<sup>3</sup> Age of adulthood is established as is

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<sup>1</sup> "The Fundamental Constitutions of Carolina: March 1, 1669," 116-117, *Avalon Project: Documents in Law, History, and Diplomacy*, accessed January 20, 2022, [https://avalon.law.yale.edu/17th\\_century/nc05.asp](https://avalon.law.yale.edu/17th_century/nc05.asp).

<sup>2</sup> *Ibid.*, 116.

<sup>3</sup> *Ibid.*, 116.

seniority. The words “inhabitants” and “freeman” in this documents clause reveal Shaftesbury’s and Locke’s perception of who were citizens as well based on their status as free persons and on the basis of their gender. In order to be a citizen, one must be free and male. Citizens were free men. Women were inhabitants and were subjects on the periphery. The citizenship status of women was a remembrance of medieval concepts of inheritance. There was a clear distinction between slaves and masters, or free men. Slaves were under the complete authority and power of their masters according to clause 110 of the Fundamental Constitutions of Carolina.<sup>4</sup> The one right that slaves had was that they could practice religion so long as their masters agreed.<sup>5</sup> The same document established a feudal society or a society where manorialism was practiced in the Carolinas, but also absolute religious freedom for freemen and inhabitants. The Fundamental Constitutions, the Ashley Cooper Plan, were periodically amended, but never fully implemented and remained in effect until 1729.<sup>6</sup> Although the colonial government never fully implemented the Fundamental Constitutions, in practice the government retained elements and adapted over time.

Acts passed by Parliament and Colonial Assemblies granted women rights of British subjects in the Carolinas. The status of women as subjects to the Crown were arbitrary, almost unchanged since the time of medieval England, in context. Women were not granted the same rights as free men because they were considered inferior. The early constitutions of the Carolinas and Georgia give few references to women. All references relating to women are to them being

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<sup>4</sup> Ibid., 110.

<sup>5</sup> Ibid., 107, 110.

<sup>6</sup> Thomas D. Wilson, *The Ashley Cooper Plan: The Founding of Carolina and the Origins of Southern Political Culture* (Chapel Hill: University of North Carolina Press, 2016), 44, 57-59.

under the protection of men. It is clear that the Carolinas were patriarchal societies. As the hierarchy was obviously medieval feudal precedent for women's rights had been accepted in English history as well as women's roles in society. What this document then set out to do was to establish a feudal system in the Carolinas not unlike that which was in place during the European Middle Ages. The conclusion then being is that there was a correlation between citizenship and the socioeconomic class in which a person occupied.

In contrast to obtaining rights of subjects in the Carolinas, becoming a subject in Georgia during the early colonial era was very selective. As noted by several historians, notably Ralph Betts Flanders in *Plantation Slavery in Georgia*, there was a duality behind the establishment of the colony. A philanthropic motive was to provide a refuge for those in presents for financial reasons.<sup>7</sup> However, selection was discriminative. People that were chosen for transportation to the colony of Georgia typically came from "better families who possessed some degree of education."<sup>8</sup> Educated individuals and families were usually the victims of unwise investments and it was believed that because of their background that they may "improve their own condition and materially develop the province in a new environment."<sup>9</sup> Citizens would be productive in increasing the economic wealth of Britain. These were not people who were common and did not possess previously wealth or land.

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<sup>7</sup> Ralph Betts Flanders, *Plantation Slavery in Georgia* (Chapel Hill: University of North Carolina Press, 1933), 4; James Oglethorpe, *A New and Accurate Account of the Provinces of South-Carolina and Georgia: With Many Curious and Useful Observations on the Trade, Navigation and Plantations of Great-Britain, Compared with Her Most Powerful Maritime Neighbours in Ancient and Modern Times* (London: J. Roberts, 1732), 30; "Reasons for Establishing the Colony of Georgia," *Georgia Historical Collections*, I, 216.

<sup>8</sup> Flanders, *Plantation Slavery*, 4.

<sup>9</sup> Flanders, *Plantation Slavery*, 4; Oglethorpe, *New and Accurate Account*, 33; "Reasons for Establishing the Colony of Georgia," *Georgia Historical Collections*, I, 216.

It was believed that Georgia would have a vast number of natural resources, such as silk. Having that resource and having the colony well peopled and able to harvest these resources meant that Britain would not have to spend as much to buy from other countries because Georgia was a British colony.<sup>10</sup> However, population decreases and other factors meant that it was more efficient for slavery to manifest to create an economically prosperous settlement. Another reason for the creation of Georgia was as a military outpost. Spanish Florida historically, by the time of Georgia's establishment, had accepted fugitive slaves from the Carolinas, providing them with sanctuary and even the ability to serve in the local militia in St. Augustine.<sup>11</sup> Georgia was created as a buffer colony to secure the interests of Britain in the disputed region between South Carolina and Spanish Florida. However, as Britain, France and Spain were technically at peace, the reason given was to protect British interests from other enemies, such as the Indian tribes present at the time.<sup>12</sup> The slave codes of Spain and France may have influenced the decision for the creation of Georgia as a slavery colony at this time as well.

Male inhabitants were regarded as both planters and soldiers. The land system was developed around this concept which mirrored a feudal state in that deeds were only issued to:

males over 21 years of age, holders of deeds or grantees could not leave the province within a period of three years without a proper license; grantees must come to Georgia and establish his abode within a year, the deed granted to all to male heirs was for fifty acres, which must be cleared and cultivated as soon as possible; On each unit of land the grantee was to plant and

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<sup>10</sup> Flanders, *Plantation Slavery*, 5-8.

<sup>11</sup> Jane Landers, "Spanish Sanctuary: Fugitives in Florida, 1687-1790," *The Florida Historical Quarterly* 62, no. 3 (1984): 296-313, <http://www.jstor.org/stable/30146288>; Dispatches of Spanish Officials," 151-52. 6. Royal decree, November 7, 1693, AGI 58-1-2/74, John B. Stetson Collection, P. K. Yonge Library of Florida History, University of Florida, Gainesville; Diego Quiroga to king, February 24, 1688, Archivo General de Indias, Seville (hereinafter AGI), 54-5-12/44, in Irene A. Wright, "Dispatches of Spanish Officials Bearing on the Free Negro Settlement of Grace Real de Santa Teresa de Mose, Florida," *Journal of Negro History*, IX (April 1924): 150.

<sup>12</sup> Flanders, *Plantation Slavery*, 8; Oglethorpe, *New and Accurate Account*, 10-11; "Reasons for Establishing the Colony of Georgia," *Georgia Historical Collections*, I, 216.

preserve a hundred white Mulberry trees; save by special license from the common council, land could not be aliened, transferred, or assigned, and a quit rent of four shillings per hundred acres, to be paid annually after a lapse of ten years from the date of the grant was required; Finally if these conditions had not been met within a ten year period after the issuance of the grant, the trustees could reenter on any such grants.<sup>13</sup>

The requirements of being a subject of the Crown in Georgia in the time of James Oglethorpe were very selective and restrictive. Original settlers in the Oglethorpe era were preferably from families with the means to educate their children and make investments or have knowledge of investments. Other conditions of citizenship included being male and of age. The conditions of being of age and male were purposeful. As Georgia was established as a military buffer colony and for the purpose of harvesting raw and natural resources for economic growth expeditiously, there was an emphasis on male, associated with strength, and age. These contributions were necessary for economic growth. An of age male, not a woman would be the one able to act as both a planter and a soldier.<sup>14</sup> It was believed that if a woman were to be granted land or to inherit it would take away the lands of a soldier.<sup>15</sup> Therefore, women were excluded from the head right system. Even male heirs were considered more valuable than women due to their potential contribution to society. Africans were not considered to be viable candidates for citizenship because their mere presence would “facilitate the deserting of Carolina slaves through Georgia and thereby defeat one of the objects of settlement.”<sup>16</sup> The original ideology behind the settlement of Georgia also did not permit idleness. Slavery or the paid

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<sup>13</sup> Flanders, *Plantation Slavery*, 6-7.

<sup>14</sup> James Ross McCain, *Georgia As A Proprietary Province* (Boston: Richard G. Badger, 1917), 243.

<sup>15</sup> McCain, *Georgia As A Proprietary Province*, 229.

<sup>16</sup> William Bacon Stevens, *A History of Georgia: From its First Discovery by Europeans to the Adoption of the Present Constitution in MDCCXCVIII* (New-York: D. Appleton and Co., 1847-1859), 155; Flanders, *Plantation Society*, *ibid.*



workers would inspire idleness in Georgian men. Africans would also be inspired by Spaniards in Saint Augustine to revolt or by the revolts in Barbados.<sup>17</sup> Native Americans were a constant presence but because their land was taken under the medieval concept of Commons and the fact that they were considered the enemies, they were not English subjects.

The inability to clear the land did result in grants being revoked in some cases. It was a reason why the trustees wanted to remove restrictions placed on the colony. Although Georgia did permit indentured servitude and paid servants, it was not a popular practice. Servants were expensive to maintain. They expressed ideas of liberty frequently, quitting their masters without fulfilling their contracts. It was noted by several people that employed servants were more of an expense than a benefit to the colony.<sup>18</sup> They also tended to come with their whole family and therefore increased the expense of having them. The expense of servants meant to aid in maintaining property meant that Georgia could not compete with South Carolina economically. It was extremely difficult for grantees to adhere to the conditions of their contracts. The result was an increasing pressure to accept slavery in the colony. A counter-revolutionary trend had already begun in Georgia before the American War of Independence was a thought in the minds of the generation of the founding fathers.

Georgia's difficult founding era presents an intriguing issue regarding colonial legal codes in the Southern colonies. Questions of counter-revolutionary trends prior to the American War of Independence, emerge through an examination of the legal codes of South Carolina. An

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<sup>17</sup> Flanders, *Plantation Slavery*, 7-9; Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World*, 41.

<sup>18</sup> Flanders, *Plantation Slavery*, 12; William Bacon Stevens, *A History of Georgia: From its First Discovery by Europeans to the Adoption of the Present Constitution in MDCCXCVIII*, 306.

examination of colonial legal codes revealed that there were similarities between colonies, but there were several distinctions too. Similarities and distinctions between the colonial legal codes of the Carolinas and Georgia and those made after the War of Independence revealed that there was a continuation of counter-revolutionary trend regarding people of color and women.

A fact that is well known to most scholars is that there has never been a cohesive legal code in the English colonies. Owing to the fact that English colonies were established at different times, by different people, and influenced by different events the laws of these colonies reflected the contemporary circumstances of their establishment. Marylynn Salmons emphatically demonstrates this in her work as does Lindsay Moore.<sup>19</sup> Moore adds to this conversation with regards to women by dwelling into the participation of women in politics and how the law included women according to place and time, whereas Salmons views the relationship between the legal status of women as a result of the laws dictating property ownership in the Carolinas and Georgia.<sup>20</sup> Likewise, there has never been a standard by which colonial women lived their lives except to say that they were never equal to that of men.

White men who owned property or held enough wealth to their name sat atop of the colonial hierarchy. Below these men it could be argued was a pyramid structure of society. Underneath white men of privilege were women who were usually white, widowed or single, owned property or had wealth; white, free men of lesser wealth; on the third tier would be the

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<sup>19</sup> Marylynn Salmon, "Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830," *The William and Mary Quarterly* 39, no. 4 (1982): 655, <https://doi.org/10.2307/1919007>; Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 207; Marylynn Salmon, "The Legal Status of Women in Early America: A Reappraisal," *Law and History Review* 1, no. 1 (1983): 129–51, <https://doi.org/10.2307/744005>.

<sup>20</sup> Lindsay R. Moore, *Women before the Court Law and Patriarchy in the Anglo-American World, 1600–1800* (Manchester: Manchester University Press, 2019).

wives of men; On the fourth tier sat the heirs and heiresses of colonial estates, who had not yet reached the colony's criteria of age of majority; On the fifth tier, which sometimes overlapped with the third and fourth tiers, were free non-European men who usually had to have a trade, money, and property if permitted by colonial law; On the sixth tier was that of free non-European women; And the seventh tier was that of those enslaved. The legal codes of the colonies discerned who belonged in which tier.<sup>21</sup> The unstandardized nature of the colonial law therefore made concepts of rights and freedoms fluid across space and time.

Women who were single or widowed had a great deal of power when in comparison to their married counterparts, provided they were of age. In the Carolinas, women were able to protect their own assets when in the process of becoming married with marriage settlements. Marriage settlements were basically an accounting of the couples' assets before marriage and dictated whom had rights to what.<sup>22</sup> In other words, it was an early form of a prenuptial agreement. Widowed and single women were usually gifted by their late husbands or fathers with their own estates. Within these estates could be not only real property, but money, business ventures, and enslaved property. These women did not have to adhere to a husband's demands. However, the caveat to this was that in the colonial era they were left vulnerable. This vulnerability was that because they were not under the protection of their husbands they could be sued in their own right. This was a huge division between women in the colonies in the sixteenth

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<sup>21</sup> Salmon, "Women and Property in South Carolina," *ibid*; Marylynn Salmon, *Women and the Law of Property*, *ibid*; Marylynn Salmon, "The Legal Status of Women," 130-131, 140; Moore, *Women before the Court*, *ibid*.

<sup>22</sup> Edward Fisher, Planter, To Prudence Nash Fisher, Widow And Executrix Of The Estate Of William Nash, Decd., Marriage Settlement Over Her Third Of The Estate Of Her Late Husband. (2 Pages) Date: 1/12/1737, Miscellaneous Records (Main Series) [Selected Volumes] (S213003), Marriage Settlement, SC Department of Archives and History.

and seventeenth centuries and those who lived in England.<sup>23</sup> They were no longer considered *feme cover*. This did not mean that they were completely isolated legally. This is especially true if they were widows.

As an addition to the second tier of this societal structure was also comprised of white free men of lesser wealth could occupy the same here as widows and single women. They may not have had as much wealth, but they were still men. Men were the ones who were armed and could fight in the event of riots, revolts, attacks by Indians and other enemies.<sup>24</sup> Their wives fell under them in this social hierarchy.

On the third tier of the social hierarchy are the wives of men. The wives of the colonial structure, especially in the Carolinas and Georgia held a particularly balanced position in society. This did not mean that wives had no power. In fact, wives did act in subtle ways that imply that they had far reaching significance. Discussed later in this chapter are the protections given to women in marriage. As the Carolinas and Georgia were founded on a more feudal tradition than assumed by many scholars, these women acted within the means of a very conservative tradition. Women such as Eliza Pinckney of South Carolina were very active in the economic prosperity which occurred in the colonies.<sup>25</sup> The activities these women participated in are recorded in various family archives, some are little known because they are handed down through the

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<sup>23</sup> Marylynn Salmon, *Women and the Law of Property*, 207; “1744 South Carolina Statute,” in *The Statutes at Large of South Carolina, Vol. III*, David J. McCord, ed. (Columbia, SC: A.S. Johnston, 1840), 616-61; William Blackstone, *Commentaries on the Laws of England* (Chicago: University of Chicago Press, 1979), 443.

<sup>24</sup> “The Fundamental Constitutions of Carolina: March 1, 1669,” 116; “Charter of Georgia, 1732, *ibid*”; Roy E. Barnes and Great Britain, *Georgia’s Charter of 1732* (Athens: University of Georgia Press, 2021), 19-63.

<sup>25</sup> Barbara L. Bellows, “Eliza Lucas Pinckney: The Evolution of an Icon,” *The South Carolina Historical Magazine* 106, no. 2/3 (2005): 148, 149-150, 152-165, <http://www.jstor.org/stable/27570748>; Harriet Horry Ravel, *Eliza Pinckney* (New York: Charles Scribner Sons, 1896); Andrea Feeser, *Red, White, and Black make Blue: Indigo in the Fabric of Colonial South Carolina Life*, 1st ed. (Athens, Georgia: The University of Georgia Press, 2013).

generations or buried in mounds of other records. What is certain is that women had a tremendous impact on the economic standing of the Carolinas and Georgia. Women could in fact own land and operate their own businesses, however it was rare to see women in this position when they were married.

On the fourth tier were the underage heirs and heiresses of colonial states. They did not have rights except for the fact that they would eventually have those rights over everyone else in the colonial societal social hierarchy. It is also interesting to note that in the event that a woman was widowed but she had a young male heir or heiress then she had even more power. It was her job to propagate the family's financial portfolio so that the wealth could filter down to future generations. This was not a new concept. It had been around for many centuries. It was an issue with which the barons of the thirteenth century had with the actions of King John the first when he attempted to sell the rights of widows and orphans in marriage. The role of these women and these heirs were to bolster the family. Yet, adult women still did not have equal rights as men in the colonial era. They did not sit on colonial legislatures or even vote.

The remaining tiers of the social hierarchy in the Carolinas and Georgia at times overlapped with one another and with the tiers occupied by women in general. Free non-European men certainly had more rights and liberties than those who were enslaved. However depending on which colony, they were settled in, they were restricted in those liberties and freedoms as well. In South Carolina for example, a free non-European man had more freedoms and rights than those in Georgia. It could be argued that they had the same rights and liberties as those white people in society. They could buy and sell land, they could own their own businesses, they could legally marry, they even owned slaves. Thomas Jeremiah prior to his trial in the 1770s was a well-known business owner in the South Carolina low country who owned

slaves. Free non-European women in the Carolinas also had more freedom than say Georgia. They were known to sell their own goods at the markets in the coastal towns. They also owned slaves and it could be moderately wealthy on their own because of this.

In Georgia, colonial law oppressed free people of color. The colonial assembly taxed free people of color higher than white people. Laws in Georgia required free people of color to find industrious employment within a certain time frame and have a white guardian. Not fulfilling these requirements resulted in imprisonment or being forced labor in return for debt repayment.<sup>26</sup> These actions demonstrate that there was a clear counter-revolutionary trend in Georgia. Georgia was originally established as a non-slave colony, to become a slave colony in 1753 is irrefutable proof of a counter-revolutionary trend for Africans. What furthers this argument is that Africans who were free in Georgia were oppressed by the law.

The lowest tier of colonial society was those enslaved. They had no rights except those permitted to them by owners and the occasional colonial legal loophole. These legal loopholes were often engineered in order to discourage slave rebellions which had occurred in Barbados and elsewhere in the American colonies.<sup>27</sup> In the early eighteenth century with the Stono Rebellion in South Carolina the slave laws were changed to reflect a society that wanted to discourage another slave revolt and to appease those already in enslavement. One of the loopholes that the new slave law had was that slaves were to be given Sundays off.<sup>28</sup> Like the

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<sup>26</sup> Bellamy, "Legal Status of Black Georgians," 1-3, 5-8.

<sup>27</sup> Darold D. Wax, "'The Great Risque We Run': The Aftermath of Slave Rebellion at Stono, South Carolina, 1739-1745," *The Journal of Negro History* 67, no. 2 (1982): 136-138, 145, <https://doi.org/10.2307/2717571>; Douglas R. Egerton, "Chapter 20: Slave Resistance," in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 447-464.

<sup>28</sup> Darold D. Wax, "'The Great Risque We Run'," 136-138, 145.

French and Spanish slave codes, the English slave code in South Carolina did not discourage religious participation of slaves, it was actually encouraged. However, conversion to Christianity did not mean that slaves could be automatically manumitted.<sup>29</sup> This loophole was meant to be an action of appeasement and assimilation.

As in English colonies, specifically large plantation colonies, like the Carolinas and Georgia had different legal codes regulating slavery and manumission it is imperative to acknowledge that there were different means by which manumission could be accomplished. In many English colonies there were a few ways in which manumission may be accomplished.<sup>30</sup> The most common means of manumission was to be manumitted or freed by way of the master's will. Owners would frequently manumit slaves in the event of their deaths. Owners would also manumit slaves as a result of their own consciousness or even familial connections. Another means of manumission was known as *petite marriage*, wherein a slave would fight for their own freedom or run away. Manumission could be obtained through meritorious service. Self-purchase was a means of manumission that occurred when a slave bought their own freedom. In northern colonies it was not unheard of for manumissions to be granted through lawsuits, but in the Carolinas and Georgia during the colonial era this was not a common occurrence.

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<sup>29</sup> Edward Countryman, *Enjoy the Same Liberty: Black Americans and the Revolutionary Era* (Lanham, Md: Rowman & Littlefield, 2012), 7; Daniel C. Littlefield, "Chapter 9: Colonial and Revolutionary United States," in *The Oxford Handbook of Slavery in the Americas*, ed. Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 209.

<sup>30</sup> Aline Helg and Lara Vergnaud, *Slave No More: Self-Liberation before Abolitionism in the Americas*, trans. By Lara Vergnaud (Chapel Hill: The University of North Carolina Press, 2019), 3, 7, 18-19; Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic* (Chapel Hill: University of North Carolina Press, 2002); Marcus P. Nevius, *City of Refuge: Slavery and Petit Marronage in the Great Dismal Swamp, 1763-1856* (Athens: The University of Georgia Press, 2020), 20, 31-33, 38-41; Patrick Rael, *Eighty-Eight Years: The Long Death of Slavery in the United States, 1777-1865* (Athens: University of Georgia, 2015); Lenora Warren, *Fire on the Water: Sailors, Slaves, and Insurrection in Early American Literature, 1789-1886* (Lewisburg, Pennsylvania: Bucknell University Press, 2019).

In light of the various colonial laws in the Carolinas and Georgia it is obvious that manumissions were difficult to obtain by any other means than the owner voluntarily relinquishing ownership of the slave through will and testament and or their own consciousness. Even though colonial law dictated that slaves could be manumitted if they had acted meritoriously, some of the statutes made this difficult as it was forbidden for slaves to be armed. In the colony of South Carolina and Georgia manumissions could be granted but being that they were large plantation societies, fear of rebellion and economic loss would and did result in halted manumission efforts. Petite marronage also did not occur as often as assumed by many given the various colonial laws regulating and oppressing slaves. As discussed by Marcus Nevius, the Carolinas were situated close to a safe haven for those who would desire freedom.<sup>31</sup> Likewise, prior to Georgia's establishment those enslaved were welcomed by the Spanish in St. Augustine and Ft. Mose.<sup>32</sup> With Georgia's establishment the threat of fleeing slaves and bolstering of Spanish troops dwindled.

Like historian Ira Berlin argues in his 1998 comprehensive work *Many Thousands Gone: The First Two Centuries Of Slavery In North America*, slavery is not “a timeless, unchanging institution.”<sup>33</sup> The institution changes in accordance with the various circumstances presented to the society being analyzed including “circumstances of contestation and cooperation between owners and enslaved peoples.”<sup>34</sup> The institution varied considerably over space as well. Slavery

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<sup>31</sup> Marcus P. Nevius, *City of Refuge*, 31-33, 36.

<sup>32</sup> Carter G. Woodson, *The Journal of Negro History*, Vol. XII (Lancaster, P.A. and Washington D.C.: The Association for the Study of Negro Life and History, 1927), 664, 666.

<sup>33</sup> Ira Berlin, *Many Thousands Gone: The First Two Centuries Of Slavery In North America* (Cambridge, Mass.; 1998); David Littlefield, “Chapter 9: Colonial and Revolutionary United States,” 202.

<sup>34</sup> Ira Berlin, *ibid*; Trevor Burnard, “Chapter 6: British West Indies and Bermuda,” in *The Oxford Handbook*, 134.



in Barbados during the 1670s was not the same institution in place in colonial Carolina or Georgia at the same time nor was it the same in other English colonies. It was not the same institution in place in the colonies of Spain or France. The institution varied according to the nation to which the colonies belonged. The French, Spanish, English, even Dutch all had different concepts of regulating slavery that had an impact on the development of the institution overtime.

The nations that are most relevant to this dissertation in terms of slave codes and geopolitical events are Spain, France, and England. All of these countries had their own slave codes. England did not have a slave code of its own, especially after Lord Mansfield's ruling in the infamous 1772 Somerset Case. However, the Somerset Case did not outlaw slavery in English colonies, which had already adopted and developed slave codes.<sup>35</sup> These codes did descend from those of ancient Greece and Rome. However, European history of servitude did delineate from ancient slavery sometime around the early Middle Ages only to emerge as serfdoms and feudalistic societies.<sup>36</sup> The feudal system and serfdoms have been falsely misconstrued as being interchangeable terms by laymen. However, in feudalistic societies serfdoms are a characteristic rather than a requirement. These in turn gave way to the plantation societies, or plantation slavery systems, and chattel slavery that characterized the institution as it was implemented in the America's.

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<sup>35</sup> James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Va, by the University of North Carolina Press, 2014): 303.

<sup>36</sup> M.L. Bush, *Serfdom and Slavery*, 11, 247-295.

The French had the *Code Noir*. The Spanish had *Las Siete Partidas*. The English simply had black laws or servitude laws in their colonies.<sup>37</sup> There does not seem to be uniformity in English nomenclature for legalities revolving around servants and slaves. However, various legal codes inferred that the nature of servitude and slavery in English colonies was more restrictive than those of Spain and France and was progressively more oppressive in light of events occurring in the colonies. These codes and laws also help to provide a historical precedence for the establishment of rights of subjects in English, Spanish and French colonies. Although this dissertation concentrates on English colonies, the French and Spanish colonies also should be observed in light of the political and economic situation that surrounded the relationship between these countries in relation to slavery.

The English, Spanish, and French people have had a history of discord even during the seventeenth through the nineteenth century this discord had a resounding effect on colonial and early republican life. The Spanish colonies of the Caribbean, which later became English colonies, and that of Florida are of particular interest because of its proximity to Georgia and the Carolinas.<sup>38</sup> The French had a large tract of land that spanned all the way through Canada down to the Gulf of Mexico. Commonly known as the Louisiana territory in North America, this colonial enterprise neighbored that of the Carolinas and a portion of Georgia. In light of various military, social, and political events this is very relevant to a dissertation on the rights of people

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<sup>37</sup> Rugemer, *Slave Law*, 28, 35-36, 216; David Brion Davis, *The Problem of Slavery in the Age of Revolution*, 186, 496-505; Louis XIV, Code Noir (1665-1685), <https://www.axl.cefan.ulaval.ca/amsudant/guyanefr1685.htm>; Louis XV, Code Noir (1724), [https://www.axl.cefan.ulaval.ca/amsudant/Code\\_noir-1724.htm](https://www.axl.cefan.ulaval.ca/amsudant/Code_noir-1724.htm).

<sup>38</sup> “African Americans in St. Augustine 1565-1821,” *National Parks Service*, U.S. Department of the Interior, last modified October 22, 2023, accessed December 2, 2023, <https://www.nps.gov/casa/learnhistorycultureafrican-americans-in-st-augustine-1565-1821.htm>.

of non-European descent and those in bondage. Furthermore, these codes establish the rights of women of non-European descent.

The French *Code Noir* was a seventeenth century decree passed by King Louis the XIV of France. The code dealt specifically with slavery in French colonies. The code provides a definition of the condition of slavery, as well as the conditions in which a slave may or may not be seized.<sup>39</sup> The French code encouraged slaves to be capitalized and in receipt of a Catholic education as well as baptism.<sup>40</sup> The religious education which was aimed towards Catholicism, strictly prohibited the practice of any other religion including Protestantism and their own Pagan religions.<sup>41</sup> This forced assimilation was a means of control and was meant as a preventative measure of internal strife even among European subjects.<sup>42</sup> Slaves were conveyed many other rights and freedoms.

Under the slave codes of the French colonies' slaves had many so-called freedoms and rights. They were free to practice religion, so long as it was the Catholic religion. This did provide them with many other freedoms. Being Catholic meant that the slaves could marry, and they could even be buried in consecrated grounds.<sup>43</sup> Slaves were permitted to marry. Slaves had to have the permission of their owners to marry, but if they were baptized and then married, they were also afforded the rights of a Catholic burial. The Code Noir also dictated that free people could marry slaves. Should a child be the result of a union between two slaves, the child would

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<sup>39</sup> Code Noir (1665-1685), 32, 43-44, 48; Code Noir (1724), 41-45, 48.

<sup>40</sup> Code Noir, 2; Vernon Valentine Palmer, "The Origins and Authors of the Code Noir, *Louisiana Law Review* 56 (1996): 363-408.

<sup>41</sup> Code Noir, 2-6.

<sup>42</sup> Code Noir, 4-5.

<sup>43</sup> Code Noir, *ibid.*

also be a slave belonging to the owner of the mother. If a child was born to a free woman and enslaved man, the child would be free. If a free man could take an enslaved woman to wife as when relations had already produced children. If this occurred, the enslaved woman would be freed along with her children. Married in slaved couples and their young children who had the same owner could not be sold separately. The marriage and reproductive stipulations in the Code Noir were not altruistic. The French were practicing forced assimilation.

The assimilation into the Catholic society also promoted family unity. As such French slave owners were technically prohibited from committing adultery. By having relations with slaves whether because of cruelty, true affection, or economic adverse a married or unmarried French slave owner would be committing a cardinal sin. France had colonized much of Canada, Ohio, and the area West of the Appalachian Mountains in Louisiana. The relative leniency for which slaves could live under the Code Noir would be tempting when faced with the harsh realities of English plantation slavery. Under the English colonial codes, which varied according to different colonies, marriage between slaves and free people were largely prohibited under colonial laws, relations between owners and slaves were frequent and not always consensual.<sup>44</sup> English laws also did not provide for maintaining familial unity among slaves, often they were sold separately from spouses and parents.

The Code Noir stipulated that freed slaves were French subjects. English colonial slave codes indicated nothing of the sort.<sup>45</sup> Place of birth was not important in this matter as the slaves

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<sup>44</sup> A. B. Wilkinson, *Blurring the Lines of Race and Freedom: Mulattoes and Mixed Bloods in English Colonial America* (Chapel Hill: University of North Carolina Press, 2020), 93-127; Edward Countryman, *Enjoy the Same Liberty*, 6-7.

<sup>45</sup> David J. McCord and Thomas Cooper, *The Statutes at Large of South Carolina*, vol. 7 (Columbia, S.C.: A. S. Johnston, 1836-1841), 397-429.

were freed by French subjects. As they were French subjects, freed slaves also had the same rights as all other subjects. Another means of manumission was if a slave owner named a slave an executive of their will or tutor of their owner's children. Slaves could also be freed by voluntary manumission provided their owners were at least twenty years of age with a parent's permission or twenty-five years old without parental consent.<sup>46</sup> The inference is that voluntary manumission in French colonies was relatively easy to obtain. The Code Noir standardized punishments for slaves, free people, and slave owners. Slave owners were not punished as severely as slaves but they were not permitted to commit certain acts as it would be a violation of the Lord's commandments. For example, slave owners were prohibited from killing slaves without reason. Slave owners could not torture or mutilate slaves, but they could beat them.<sup>47</sup> Punishments were also not decided upon by the slave owners but a local magistrate. These magistrates were the ones in which decided upon the most severe of offenses including the loss of ears.<sup>48</sup> Punishments that resulted in bodily mutilation or loss of limb were decisions left up to magisterial law. Slaves were brought before courts as were their owners. There was a sense of equality that was not present in English plantation societies. Although in some English colonies slaves would be brought before the court provided they had committed a severe crime such as murder, evidence in early colonial era documents of the Carolinas and Georgia demonstrate that

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<sup>46</sup> Code Noir, 55-57.

<sup>47</sup> Code Noir, 42.

<sup>48</sup> Edward Bartlett Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge: Massachusetts: Harvard University Press, 2018), 22.

the punishments of slaves were not standardized nor were they brought before a court of law.<sup>49</sup> Women were also not spared from extreme punishment for presumed criminal actions.

The colony of the Carolinas was established in 1663 as a single colony under the leadership of the Lord's Proprietors. There were eight Lord's Proprietors: Edward Hyde, 1st Earl of Clarendon; George Monck, 1st Duke of Albemarle; William Craven, 1st Earl of Craven; John Berkeley, 1st Baron Berkeley of Stratton; Sir William Berkeley, John's brother, and at that time governor of Virginia; Sir John Colleton, Baronet; Sir George Carteret; Lord Anthony Ashley Cooper, later to become the 1st Earl of Shaftesbury, Chancellor of the Exchequer, and member of the Special Council of Foreign Plantations. The charter of the Carolinas was granted by King Charles II of England in recognition for the Lord's Proprietors loyalty during the Restoration and the subsequent restoration of the Stuart Monarchy after the English Civil Wars. Of these eight men, only two had personal knowledge of colonial life. Sir William Berkeley and Sir John Colleton were both well acquainted with colonial life as the former had been the governor and a plantation owner in Virginia and the latter, John Colleton had been a planter in Barbados. These men had already been influenced by previous colonial governments and aspects of life, particularly as they related to slavery. Influences on the lives of women in this era were very dynamic in that influences on women whether it be in the political, economic, social, and otherwise was largely dictated by England at different points in time.

Most of the slaves in the Carolinas were actually imported from Barbados rather than Africa during the early years of colonial life. This is because most of the settlers relocated from the Caribbean and therefore would either import their own slaves that have been on the island or

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<sup>49</sup> Harold E. Davis, *The Fledgling Province: Social and Cultural Life in Colonial Georgia, 1733-1776* (The University of North Carolina Press, 2012), 72-83.

were more familiar with the workings of tropical plantations. As demonstrated by various historians most notably Rugemer and David Brion Davis, these slaves originated from an area in Africa that is now known as Angola.<sup>50</sup> The culture of these people dictated that they were fighters. They were typically sold to European powers by their own people because they were slaves in captivity as a result of warfare practices. This to the minds of Englishmen legitimized their enslavement as well as their purchase.<sup>51</sup>

The colony of South Carolina has been called a colony of a colony in reference to its close semblance to the British West Indian colony of Barbados in the Caribbean established in 1627. This is also an analogy that refers to North Carolina as South Carolina and North Carolina did not separate until 1712. By the time of the settlement of South Carolina in 1670, Barbados had long been a thriving planter colony established on the labor of both indentured servants and slaves in the production of sugar.<sup>52</sup> At least two of the Carolinas Lords Proprietors, Sir John Colleton and Anthony Ashley Cooper, the Earl of Shaftesbury, were planters in Barbados. Early Carolinian slave codes borrowed from Barbadian slave laws almost verbatim.<sup>53</sup> The ease of adoption of these codes came from the fact that the people were exposed to the economic prosperity that was equated with the plantation societies that perpetuated the Caribbean.

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<sup>50</sup> Robert M. Weir, *Colonial South Carolina: A History* (Columbia, S.C.: University of South Carolina Press, 1997), 176; Rugemer, *Slave Law*, 109-111, 223.

<sup>51</sup> Thomas More, *Utopia* (United States: Columbian Publishing Company, 1891, 1516), 77.

<sup>52</sup> Rugemer, *Slave Law*, 11-12, 19, 25 -27, 30, 75-170; Weir, *Colonial South Carolina: A History*, 13, 175-179; Watson W. Jennison, *Cultivating Race: The Expansion of Slavery in Georgia, 1750-1860* (Lexington: University Press of Kentucky, 2012), 1-10, 35-37; Peter H. Wood, *Black Majority Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Alfred A. Knopf, 1975), 46-47.

<sup>53</sup> Daniel C. Littlefield, "Colonial and Revolutionary United States," in *The Oxford Handbook of Slavery in the Americas*, 207.

The laws relating to slaves in the Carolinas are known to have been taken directly from those of Barbados. Historian Edward Rugemer has undertaken the immense challenge of tracing the historical foundations of race and slavery in the Carolinas. Rugemer states that “in Barbados, as in Virginia, the historical foundations of race and slavery can be traced to the struggle between the planter elite and a labor force of bound servants and African slaves who resisted oppression.”<sup>54</sup> This extends to the legal codes dictating race relations, economic, and political status. The laws relating to slavery in the Carolinas and Georgia evolved from those in the Caribbean, particularly of the colonies of Barbados and Jamaica.

The first comprehensive slave code in these colonies was that of the 1661 Barbados law entitled, “An Act for the better ordering and governing of Negroes.”<sup>55</sup> This act draws attention to the fact that slavery had increased in Barbados exponentially and inferred that the economy of the island would be in jeopardy if slavery did not exist. This in turn embodies the philosophies of the later Enlightened Era. Therefore, enlightened philosophers were influenced by history and greed as much as they were by rationality and humanity. It is noteworthy to mention that these laws also reveal that slaves were not just Africans or ‘negroes.’ The 1661 law refers to “negroes and other slaves,” thereby including people of indigenous ancestry perhaps even other racial ancestries.<sup>56</sup> The law also describes the condition of negroes and slaves, Justifying their enslavement and status in the English colonies:

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<sup>54</sup> Edward B. Rugemer, “The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century,” *The William and Mary Quarterly* 70, No. 3 (2013): 431, accessed November 11, 2023, <https://www.jstor.org/stable/10.5309/willmaryquar.70.3.0429>.

<sup>55</sup> Rugemer, *Slave Law*, 45-50; Peter H. Wood, *Black Majority*, 51-52.

<sup>56</sup> Rugemer, *Slave Law*, 45-50; Peter H. Wood, *Black Majority*, 51-52; Jamaica, “An Act for the better ordering and governing of Negroes,” 1664.



much as the said Negroes and other Slaves brought unto the People of this Island for that purpose are of barbarous, wild and salvage Natures, and such as renders them wholly unqualified, to be governed by the Laws, Customs and Practices of our Nations. It therefore becoming absolutely necessary, that such other Constitutions, Laws and Orders, should be in this Island framed and Enacted for the good regulating and ordering of them, as may both restrain the Disorders, Rapines and Inhumanities to which they are naturally prone and inclined, with such Encouragements and Allowances as are fit and needful to their Support, that from both this Island through the Blessing of God thereon, may be preserved, His Majesty's Subjects in their Lives and Fortunes secured, and the Negroes and other Slaves be well provided for, and guarded from the Cruelties and Insolences of themselves or other ill-tempered People or Owners.<sup>57</sup>

The sentiments contained within this statement are echoed in the enlightened philosophies of Rousseau and More and furthermore are justifications for slavery under the Just War Theory. Addressing the latter supposition first, this statement is more of an extension of justification of criteria. In the second chapter of this dissertation the three main criteria for just warfare are discussed as is the taking of slaves under that theory. It is assumed that the “barbarous, wild and salvage natures” of the people enslaved is what justifies their enslavement after being purchased. These people were already at war with other tribes, or with themselves by appearance, and were of another nation.<sup>58</sup> The English were not making slaves of themselves. The Jamaica Slave Act of 1664 was adopted by the Carolinian colonial legislature.<sup>59</sup> This is not surprising given that many of the earliest settlers of the Carolinas, including at least one of the Lord’s Proprietors, had interests in the Caribbean. Later influence in the colony of Georgia can be seen with respect to slavery because many of the colonies’ settlers had close connections with those in the Carolinas and would often migrate from one colony to another.

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<sup>57</sup> Rugemer, *Slave Law*, 45-50; Peter H. Wood, *Black Majority*, 51-52.

<sup>58</sup> Rugemer, *Slave Law*, *ibid*; Peter H. Wood, *Black Majority*, *ibid*.

<sup>59</sup> Jamaica, “An Act for the better ordering and governing of Negroes,” 1664.

Slavery developed in the Carolinas as a result of the colonies economic pursuits. Originally Carolina produced indigo and rice as the two most valuable cash crops. The climate of Carolina was extremely conducive to the production of these crops, just as the climate of the Caribbean was to sugar cane.<sup>60</sup> As such the reliance of climate-based crops also influenced the development of slavery in the region. Although the Carolinas adopted Caribbean slave laws, there were distinct differences. The first is that originally, slaves were more commonly of Native American ancestry due to the proximity and trade with surrounding tribes. The Native people did trade captives of other tribes as slaves to the colonists.<sup>61</sup> Thus, there was justification in the criteria of Just War. This also extended to the development of slavery in Georgia in the 1750s.

The Carolinas continued interest in Barbados led to lessons learned. They learned of slave insurrections, how reward systems were useful to an extent, and how to be climate had an effect on the longevity of their investments. The climate in South Carolina and Georgia was more agreeable. Longevity in the Carolinas in Georgia was increased among slaves which equaled more money for the planters. Planters learned that because the Carolinas and Georgia were not islands, slaves could run further away more successfully and make allies with native

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<sup>60</sup> Rugemer, *Slave Law*, 120; Daniel C. Littlefield, "Colonial and Revolutionary United States," 209-211; Peter H. Wood, *Black Majority*, 36-38; Andrea Feeser, *Red, White, and Black make Blue: Indigo in the Fabric of Colonial South Carolina Life*, 1st ed. (Athens, Georgia: The University of Georgia Press, 2013), 12, 35, 42; Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (Cambridge: Cambridge University Press, 2011), 11, 41, 47, 153-158; James M. Clifton, "The Rice Industry in Colonial America," *Agricultural History* 55, no. 3 (1981): 266-83, <http://www.jstor.org/stable/3743016>; S. Max Edelson, "Beyond 'Black Rice': Reconstructing Material and Cultural Contexts for Early Plantation Agriculture," *The American Historical Review* 115, no. 1 (2010): 125-35, <http://www.jstor.org/stable/23302765>; David Eltis, Philip Morgan, and David Richardson, "Agency and Diaspora in Atlantic History: Reassessing the African Contribution to Rice Cultivation in the Americas," *The American Historical Review* 112, no. 5 (2007): 1329-58, <http://www.jstor.org/stable/40007098>; David Eltis, Philip Morgan, and David Richardson, "Black, Brown, or White? Color-Coding American Commercial Rice Cultivation with Slave Labor," *The American Historical Review* 115, no. 1 (2010): 164-71, <http://www.jstor.org/stable/23302768>; Walter Hawthorne, "From 'Black Rice' to 'Brown': Rethinking the History of Risculture in the Seventeenth- and Eighteenth-Century Atlantic," *The American Historical Review* 115, no. 1 (2010): 151-63, <http://www.jstor.org/stable/23302767>.

<sup>61</sup> Rugemer, *Slave Law and the Politics of Resistance*, 77.

peoples. This increased the need for treaties with natives so that these alliances would be less likely.<sup>62</sup> There were equal chances of greater rewards as well as significant risk.

North Carolina and South Carolina separated into separate colonies in 1712. There are various reasons why. However, the differences between the two are immense if not immediately obvious. Religion was a distinction between the two colonies. North Carolina had a more prevalent population of friends or Quakers. In the early years of Quakerism, slavery was not prohibited. George Fox did not encourage the practice either. When visiting Barbados in the October of 1671, Fox was deeply troubled by the effect of slave ownership on his followers according to Katherine Gerbner.<sup>63</sup> However, in an earlier writing of Fox dated 1657 and entitled “To Friends Beyond The Sea, That Have Blacks And Indian Slaves,” to remind them that Quakers should be merciful and that God “hath made all nations of one blood.”<sup>64</sup> Fox’s teachings and observations are significant. They revealed that in religion men and women were one under God, just as people of other races are. They are meant to live in harmony with one another neither being subservient.

The earliest converts to Quakerism in America were actually slave owners in Barbados. Conversion may have been motivated by the relative peace that the religion offers. Passivism among all of its members created a more egalitarian society free of social ills and moral depravity. There were even advantages to those who owned slaves as it offers a moral salvation.

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<sup>62</sup> Rugemer, *Slave Law and the Politics of Resistance*, 68-69, 159.

<sup>63</sup> Katherine Gerbner, “Quaker Slavery and Slave Rebellion,” in *Christian Slavery: Conversion and Race in the Protestant Atlantic World* (University of Pennsylvania Press, 2018), 49-50, <http://www.jstor.org/stable/j.ctv16t6j9v.7>; Kenneth L. Carroll, “George Fox and Slavery,” *Quaker History* 86, no. 2 (1997), 16, accessed October 13, 2023, <https://www.jstor.org/stable/41947358>; George Fox, *Gospel Family-Order; Being a Short Discourse Concerning the Ordering of Families, Both of Whites, Blacks and Indians* (London, 1676).

<sup>64</sup> Gerbner, *ibid*, 53; George Fox, “To Friends beyond the Sea, that have Blacks and Indian Slaves,” in *Selections from the Epistles of George Fox*, ed. Samuel Tuke (York: W. Alexander and Son, 1825), 94–95.

As George Fox neither prohibited nor discouraged slavery, only preached that slave owners should be merciful to their slaves it allowed Quakers A moral reprieve. In not being abusive they were adhering to the word of God.

Quakers are a very conscientious group of religious people. Keeping people enslaved made many Quakers “uneasy.”<sup>65</sup> Slaves were considered a burden. This burden was unlike the burden that paid servants presented to Georgians during the Trustee era of the colonies founding. That burden in Georgia was a financial one. To the Quakers of colonial the Quakers of colonial North and South Carolina, slaves were a burden on their morality. This was especially true in the 1770s when colonial law had already prohibited the manumission of slaves except in special circumstances, such as meritorious service. The Quaker community’s solution was to form a committee whereby the Friends were encouraged to manumit slaves provided they could make an industrious living.<sup>66</sup> People whose consciousness dictated liberty took this route. In the Carolinas, abolitionism began with the Quakers and other religious sects of society. Supporting ideology stemmed from the teachings of George Fox. However, the syntax used in the 1770s indicates that there was an influence of the Enlightenment era. The use of the word liberty had increased significantly in the writings of Quakers from 1766 to 1777. The same word had increased usage in the writings of other people not officially aligned with the Quaker religion. Liberty and freedom the two concepts aligned with that of the American War of Independence had merged with religious beliefs.

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<sup>65</sup> Peter Kent Opper, “North Carolina Quakers: Reluctant Slaveholders,” *The North Carolina Historical Review* 52, no. 1 (1975): 37-39, <http://www.jstor.org/stable/23529510>.

<sup>66</sup> Opper, “North Carolina Quakers: Reluctant Slaveholders,” 39-40.

Quakers were well known to have been more egalitarian in their religious structure. They fervently included women and upheld George Fox's teachings that slavery was not completely correct. Many Quakers in the Carolinas did own slaves, but research indicates that their ownership came to be for the purpose of preventing the enslaved from falling into the hands of cruel masters and for purposes of manumission.<sup>67</sup> The colony was not as economically prosperous when compared to South Carolina. North Carolinian leadership is not known to have been as educated or wealthy either. The environment in North Carolina was not conducive to large plantations. The result is that North Carolina had a smaller population of slaves, because of religious belief, lack of economic prosperity, and pragmatism. The education of the colony's leaders or presumably lack thereof meant that they could have been persuaded by those whom they held company. their education and formation of political philosophy and ethos on slavery was informal or private.

Because North Carolina did not have a large plantation system in place their families relied on local education systems. Education came by way of home learning or even the church to provide basic education needs to children. In the North Carolinian colony there was a large community of Quakers that did provide in education.<sup>68</sup> This community would have extended their beliefs on slavery to the population. South Carolina was very different when it came to the wealthy families. Wealthy families could afford to have their sons apprentice under difference

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<sup>67</sup> Opper, "North Carolina Quakers: Reluctant Slaveholders," *ibid*; John Woolman, *The Journal of John Woolman With and Introduction by John G. Whittier* (Boston and New York: Houghton Mifflin Company, 1909), 8, 34-39.

<sup>68</sup> Michael J. Crawford, *The Having of Negroes Is Become a Burden the Quaker Struggle to Free Slaves in Revolutionary North Carolina* (Gainesville, Fla: University Press of Florida, 2010); Howard H. Brinton, "THE QUAKER CONTRIBUTION TO HIGHER EDUCATION IN COLONIAL AMERICA," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 25, no. 3 (1958): 238, 242, 247, <https://www.jstor.org/stable/27769819>.

masters of various trades and or have them educated in colonial colleges in the northern colonies, or even in Europe. Georgia was much the same as South Carolina. Women were given basic education at home. It is known that there were schools for girls at least as late as the early 1800s.

Their education and formation of political philosophy and ethos on slavery was largely informal. The environment of North Carolina as well as its poor economic status left it vulnerable to bandits and runaway slaves. Indian attacks were also numerous. The inability of the colony to handle these situations led to the Regulator Movement in the 1760s.<sup>69</sup> This movement did spread to South Carolina but there were differences that demonstrated that there were vast differences between the two societies.

Life for Africans and women in the earliest era of Georgia's existence as a colony was very different to that of their existence during the 'Revolutionary' era and that of the early Republic. It can be argued that in the earliest time, from 1732 until around 1753, that Africans in particular had more rights and freedoms because of the way in which the colony was founded. Georgia was founded originally as an experiment. It was founded as a buffer colony between Spanish Florida and the Carolinas.<sup>70</sup> It was meant to have no slaves and to be self-sufficient. Why then did it only take twenty years for the ban on slavery to be lifted? Oglethorpe, the

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<sup>69</sup> Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: University of North Carolina Press, 2002); Patrick S. Brady, "The Slave Trade and Sectionalism in South Carolina, 1787-1808," *The Journal of Southern History* 38, no. 4 (1972): 601–20, <https://doi.org/10.2307/2206151>; Rachel N. Klein, "Ordering the Backcountry: The South Carolina Regulation," *The William and Mary Quarterly* 38, no. 4 (1981): 661–80, <https://doi.org/10.2307/1918909>; Sarah Sadlier, "Prelude to the American Revolution? The War of Regulation: A Revolutionary Reaction for Reform," *The History Teacher* 46, no. 1 (2012): 97–126, <http://www.jstor.org/stable/43264077>; Alan D. Watson, "The Origin of the Regulation in North Carolina," *The Mississippi Quarterly* 47, no. 4 (1994): 567–98, <http://www.jstor.org/stable/45237209>; Weir, *Colonial South Carolina*, 282, 308.

<sup>70</sup> "African Americans in St. Augustine 1565-1821," *National Parks Service*. U.S. Department of the Interior; Flanders, *Plantation Slavery*, 8; Oglethorpe, *New and Accurate Account*, 10-11; "Reasons for Establishing the Colony of Georgia," *Georgia Historical Collections*, I, 216.

colony's founder even had a stake in the African Royal Trade Company; he was not against slavery.<sup>71</sup> He profited from slavery. This was something that was relatively well-known. In Savannah, there was an economic competition with Charles Town that was bolstered by slavery. The trustees of Georgia continuously advocated for the allowance of slavery despite Oglethorpe's belief that slavery in Georgia would make the colony less likely to be self-sufficient.<sup>72</sup> However, because the colony of Georgia was not established just as a means of becoming financially more secure, but as a means of protection from Spanish Florida having economic security was seen as being more valuable if war was to occur. This is why the ban on slavery only lasted twenty years.

In Georgia, free Africans were permitted to live in the colony during the years of Oglethorpe's leadership. Many people who lived in the colony were Lutherans and took their belief systems as well as the charter seriously if they lived in smaller communities. Free Africans were thus provided equal pay and housing. However, when the ban on slavery was lifted conditions for those enslaved worsened greatly. The laws reflected those in the Carolinas. There were laws that restricted immigration of free Africans in fear of inciting rebellion. There were also fears that immigration of free Africans would result in the loss of paid work for other colonists. Free Africans that came into the colony were therefore subjected to various fees and other actions that were surmountable to voluntary slavery.<sup>73</sup> If slaves in Georgia were freed, they would still have to be under the guardianship of a white person and reside with that guardian.

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<sup>71</sup> Phinizy Spalding and Harvey H. Jackson, eds., *Oglethorpe in Perspective: Georgia's Founder after Two Hundred Years* (Tuscaloosa: University of Alabama Press, 1989), 69, 75.

<sup>72</sup> Noeleen McIlvenna, *The Short Life of Free Georgia: Class and Slavery in the Colonial South* (Chapel Hill: The University of North Carolina Press, 2015), 25.

<sup>73</sup> Bellamy, "The Legal Status of Black Georgians," 7-8.

They would also have to be employed in an industrious field of work. They were also taxed exorbitantly.<sup>74</sup> It was slavery without being slavery.

The lives of women from the founding of Georgia until the Revolutionary Era were different to their lives after the War of Independence. Examinations of the various primary sources pertaining to women reveal that women had fewer personal freedoms and liberties. These documents were primarily that of last will and testaments. The rights of women in the colony of Georgia deferred temporally. During the earliest years of the colony's establishment women had different rights and liberties, than they did twenty years later. As demonstrated earlier in the chapter, women did not have the right to inherit land during the first twenty years of the colony's establishment. They could not even apply for a land grants. However, women did have certain rights and liberties as consumers and wives. Women in Georgia could manage their own household. Women could own certain types of property, such as slaves. Elizabeth Dill owned slaves and had the liberty of 'gifting' her property to others.<sup>75</sup> Lydia Dean's Last Will and Testament reveal that as of the late colonial era in Georgia there was a shift in the dynamics of property ownership. In the early Trustee era of colonial Georgia's history women could not inherit land let alone bequeath land to others. Yet, Lydia Dean bequeathed a great amount of property to others in the event of her death.<sup>76</sup> Women even had a certain amount of legal status. This legal status was undermined in that women had to have the support of men.

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<sup>74</sup> Bellamy, "The Legal Status of Black Georgians," 1–10.

<sup>75</sup> Elizabeth Dill, Of James Island, Berkeley County, Planter, To Her Grandson William Rivers, Deed Of Gift For One Negro Boy Named Daniel, (1 Page; Recorded On The Second Page Numbered 125) Date: 5/27/1751, Archives ID: Series: S213003 Volume: 002I Page: 00125 Item: 001, SC Department of Archives and History.

<sup>76</sup> Lydia Dean, "Lydia Dean's Will," September 8, 1761, Colonial Wills, Colony of Georgia, RG 49-1-2, Georgia Archives, accessed June 16, 2023, <https://vault.georgiaarchives.org/digital/collection/cw/id/23/rec/60>.



As demonstrated in the lawsuit against John Wesley women could even participate in legal proceedings. However, the lawsuit against John Wesley, which occurred in 1737 as a result of misconduct towards one Sofia Williamson also reveals that lawsuits in which women were a part of were often conducted with the support of their husbands.<sup>77</sup> This lawsuit is significant in many ways. To understand the significance of the lawsuit in Georgia's history one must know a little about the circumstances surrounding it. Sophia Williamson and John Wesley were familiar with each other prior to her marriage. They had gotten to know each other on the passage to Georgia, the same one in which John Wesley became influenced by the Moravian religious sect in society. Religious influences caused John Wesley to become very stringent in his beliefs and practices. Due to their familiarity Sophia was under the belief that John Wesley was interested in pursuit of marriage. When John Wesley withdrew from her, she ended marrying another man. Whether or not John Wesley was simply more interested in his religious pursuits than she, is unknown. However, what is known is that after her marriage he denied her communion publicly without reason. Doing so was seen as being slanderous towards Sophia.<sup>78</sup> Hence the lawsuit.

By denying Sophia communion, John Wesley affectively alienated her from the community. The fact that Sofia sued John Wesley in conjunction with her husband demonstrates two things about Georgia's society and women's status in that society. Women were effectively less than men legally. If Sophia had been in South Carolina, she could have sued John Wesley on her own terms. The lawsuit also reveals that as of the 1730s, Georgia's society was based on a much older English one. The rights of women came after the interest of men.

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<sup>77</sup> Allen Candler, ed. Georgia. Legislature, *Colonial records of the State of Georgia* (Atlanta, Ga.: Franklin Printing and Publishing Co., 1904), 303-304.

<sup>78</sup> Ibid.

By the time of the end of the trusteeship of Georgia in the early 1750s, there seems to have been a change in the status of women. Women had the same rights as those in the Carolinas and any other colony. However, many documents from the latter half of the eighteenth century to the early nineteenth century have been lost so an accurate historical analysis must be carefully derived. There seems to have been many more wills and deeds of sale authored by women in the colonial era than in the time of the early Republic. This demonstrates that women were actively utilizing their rights to property during the colonial time. It also demonstrates that during the colonial time women were active participants in commerce and at times colonial legislature.

However, when looking at a deed of sale between Nathaniel and Mary Young to Humphrey Wells it is apparent that there is a difference between the rights conveyed to women in marriage in Georgia and those in other colonies such as South Carolina. This document makes no mention of Mary renouncing her dower or being questioned as to the validity of her consent in the sale of the property.<sup>79</sup> Renunciations of dower in South Carolina from the colonial era revealed that women were taken aside and questioned about their consent to the sale of property. They were questioned because the sale of the property had a tremendous impact on their dower or their widow's pension.<sup>80</sup> Renouncing that property as part of their dower effectively lessened the amount that they would have upon the death of their husbands. If that woman did not give

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<sup>79</sup> Deed of Sale from Nathaniel and Mary Young to Humphrey Wells for 100 Acres in St Paul's Parish Georgia, 14 June 1773, 78-11Box3Item3677.pdf, 307, Reese Library Archives, [https://aspace-augusta.galileo.usg.edu/repositories/2/digital\\_object\\_components/2941](https://aspace-augusta.galileo.usg.edu/repositories/2/digital_object_components/2941); Indenture Deed for 100 Acres of land in Ballston, New York from Jaber Hubbel of Cooperstown New York to Doctor Samuel Davis and Mary Davis of Ballston New York, 18 July 1792, 78-11 Miscellaneous Legal Papers Box 3 unlabeled5, us-gaua-78-11 unlabeled5, Reese Library Archives, [https://aspace-augusta.galileo.usg.edu/repositories/2/digital\\_objects/2657](https://aspace-augusta.galileo.usg.edu/repositories/2/digital_objects/2657).

<sup>80</sup> Ann Harverd, "Ann Harverd renunciation of dower, 1770," 1770, (32-20-09) South Carolina Historical Society, Charleston, SC; Mary Moore Mitchell (b. 1765), "Renunciation of dower, 1787," 1787, (43/745) South Carolina Historical Society, Charleston, SC; Robert Pringle, "Renunciations of dower, 1768," 1768, (32-18-08) South Carolina Historical Society, Charleston, SC; Anne Robertson, "Renunciation of Dower, 1737," 1737, (32-13-01) South Carolina Historical Society, Charleston, SC.

consent willingly then the sale would not be valid. This is a protection offered to women and to families that shows a clear adoption of an English tradition. The Magna Carta for example protected the rights of widows and heiresses with regards to the ownership of property. The fact that Mary Young in Georgia was not provided the same protection demonstrates that Georgia was not an egalitarian colony.

Because the Carolinas were agricultural societies based on a feudal system as denoted by the drafting of the constitutions of the Carolinas by John Locke under the direction of Lord Shaftsbury, there was an evident impact on the ideology surrounding women in society. Women from the time of the late seventeenth century up until the War of Independence were afforded the same rights as women in Great Britain which remained almost unchanged since the thirteenth century. Women were granted rights of coverture and could inherit land and money from their family provided they were written in the will. It was a legal requirement that women would inherit at least a third of their husband's property upon their deaths. Women had numerous powers depending on their marital status and whether or not they were famous souls because America was so large people were concerned with not only gaining property and wealth but generating familial wealth.

One means of doing this was through women. Women could own property, have jobs, convey property, be active in the legal system, and inherit their husband's property, even be provided more, act as guardians, petition the government, even prevent their husbands from selling property. This was to provide protect their interest, but they were still prevented from being full citizens in society. Because women were traditionally not allowed to serve their country in a military capacity they were seen as too frail to protect the rights that they would otherwise be given. This was the main condition which was afforded to men in a feudal structure.

Those who could protect their lands and their rights could have them; Those who could not did not have those rights.

Women were protected under the law in a number of different ways. First and foremost, the law dictated that when a woman became married to her husband she legally ceased to exist as an individual. She became what is known as a *femme covert*.<sup>81</sup> Essentially, she was under the complete legal authority and protection of her husband. In early colonial times this meant that a husband could be sued for his wife's debt and for her actions. This is a form of legal protection. Later this would be amended when a woman chose to go into business for herself with the permission of her husband and she became a *feme sole*, but this protection of the husband's rights only meant that he could not be held responsible for debts incurred by his wife's business dealings and her debts could not be leveraged against her dower.<sup>82</sup>

By right of coverture a married woman was entitled to a third of her husband's estate upon his death. She was entitled to more if he willed her more in his last will and testament or if she was the guardian of a minor child of his. In South Carolina, where the courts were modeled after the English courts of equity, marriage settlements provided married women with power while her husband was still living. By being a precursor to a prenuptial agreement these contracts evaluated each person's property portfolio and outlined who was allowed to do what with it during the course of the marriage and what would happen to the property in the event of death. As evidenced by renunciations of dower in South Carolina, women had the ultimate authority

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<sup>81</sup> Marylynn Salmon, "Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830," *The William and Mary Quarterly* 39, no. 4 (1982): 655, <https://doi.org/10.2307/1919007>.

<sup>82</sup> Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 207.

when it came to the sale of property in the time when they were married. Husbands had to have their wife's unforced agreement to sell large tracts of property.<sup>83</sup> This is because the sale of property during the course of marriage would have an effect on her dower. If a woman had said that she was being coerced into selling the property, then a sale could not occur.

Single women were afforded more rights than those that were married. Single women were those who had never been married or those who were widowed. Single women could make contracts for themselves, buy and sell property without the permission of a husband, and even hold a job. Their property could not be taken from them by a husband, and they could not be coerced into marriage.<sup>84</sup> This is reminiscent of the laws and customs that were in place in England during the thirteenth century.

Women in the years prior to the American War of Independence had various amounts of freedoms in the Carolinas and Georgia. Taken from newspaper articles it is apparent that women acted as executrices. In these ads people who were owed from the estate of the deceased person were directed to submit their demands to the executrix or to her attorney.<sup>85</sup> Being an executrix in the eighteenth century entailed many of the same functions being the executor of a will in the twenty-first century would. They settled the accounts and distributed the items bequeathed in wills to those whom they were directed. Women were groomed from a very young age to take on this role in the family if it was required of them.

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<sup>83</sup> Ann Harverd, "Ann Harverd renunciation of dower, 1770," 1770 (32-20-09) South Carolina Historical Society, Charleston, SC; Anne Robertson, "Renunciation of Dower, 1737," 1737, (32-13-01) South Carolina Historical Society, Charleston, SC.

<sup>84</sup> William Blackstone, *Commentaries on the Laws of England*, 126, 290, 393, 399-400,404.

<sup>85</sup> J. Whitemarsh, "Just Imported," *The South Carolina Gazette*, January 4, 1739, *Accessible Archives*; *The Royal Georgia Gazette*, (Savannah, Ga.) 1779-1782, June 06, 1782, *Georgia Historic Newspapers*.

Ads taken out by executrixes were more numerous in the early to mid-1700s in South Carolina and North Carolina than they were in Georgia. In newspapers, the earliest findings of advertisements taken out by executrix of wills is in 1764. A reason for this could be that women simply did not have a great amount of power when it came to the oversight of their husband's properties. A more accurate reasoning would be that the head right system by which Georgia granted land had fallen to disfavor by the mid-1750s.<sup>86</sup> Women could inherit land and they could oversee the transactions that were pertinent to the management of estates. The reason that this came about was that it was simply inefficient for of the land grant system of which the colony of Georgia had originally been established to only allow male heads of family and their male descendants to inherit a certain amount of acreage.<sup>87</sup> When it came to being a woman in charge of executing a will or an estate in Georgia women began to have more power and that is the reason why there are more instances of executrixes issuing ads in newspapers in Georgia.

In South Carolina, widows such as Elizabeth Timothy certainly had a degree of autonomy. In the aftermath of Timothy's husband's "unhappy accident," she became one of the first female newspaper editors.<sup>88</sup> She took over a male dominated business and did so as a woman taking care of at least six living children:

I take this Opportunity of informing the Publick, that I shall continue the said Paper as usual; and hope, by the Assistance of my Friends, to make it as entertaining and correct as may be reasonably expected. Wherefore I flatter myself, that all those Persons, who, by Subscription or otherwise, assisted my late Husband, in the Prosecutions of the said Undertaking, will be kindly pleased to continue their Favours and good Offices to his poor

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<sup>86</sup> Lee Ann Caldwell Swann, "Landgrants to Georgia Women, 1755-1775," *The Georgia Historical Quarterly* 61, no. 1 (1977): 23–24, <http://www.jstor.org/stable/40580340>; James Ross McCain, *Georgia As A Proprietary Province*, 243.

<sup>87</sup> Swann, "Landgrants to Georgia Women, 1755-1775," 23-34.

<sup>88</sup> J. Whitmarsh, "Just Imported," *The South Carolina Gazette*, January 4, 1739, *Accessible Archives*.

afflicted Widow and six small Children and another hourly expected. P.S. All Persons are desired to send their Advertisements by Wednesday Night, otherwise they cannot be inserted that Week.<sup>89</sup>

In essence, as a widow Elizabeth Timothy entered the public. She stepped out of the private sphere of the world. In the early colonial era, the *public* was a male dominated area and the *private* or the domesticated arena was delegated to female or even to just those enslaved.<sup>90</sup> As a widow she became free of societies constraints. Timothy's assumption of control of a business of her late husbands was in of itself very progressive considering in 1676 society and men viewed women as foolish.

It was during this time that Bacon's Rebellion had occurred and the people who were involved were under suspicion by Governor Berkeley. Thomas Grendon was reportedly away to England on business while leaving his wife Sarah in control of his property.<sup>91</sup> The practice of a husband leaving his wife in control of their property when travelling was not uncommon throughout the seventeenth and eighteenth centuries. What made this case unique was that the family had been involved in Bacon's Rebellion and Sarah Grendon was known as being very vulgar in public. Meaning she voiced her opinions without the consideration of male accompaniments. This resulted in a case that was brought before the courts in which a man's property had been seized due to his wife's foolish utterings. His wife had been in control of overseeing the transport of his possessions when the incident occurred resulting in the seizure of his property. The courts at the time adopted the perspective that his wife, Sarah Grendon, was a

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<sup>89</sup> J. Whitmarsh, "Just Imported," *The South Carolina Gazette*, January 4, 1739, *Accessible Archives*.

<sup>90</sup> Mary Beth Norton, *Separated by Their Sex: Women in Public and Private in the Colonial Atlantic World* (Ithaca, N.Y: Cornell University Press, 2011), xiv.

<sup>91</sup> Mary Beth Norton, *Separated by Their Sex*, 34-36.

foolish woman. However they also ruled that the seizure was not valid because the possessions were not hers and that no conviction of their involvement in the rebellion had been returned with an affirmative decision.<sup>92</sup> The ramblings of Sarah were therefore seen as simply her being a foolish woman, if those same utterances had come from her husband the result would have been different.

The fact that sixty-three to sixty-four years later women in South Carolina could take over such a prolific business, one that was vital to the economy, even though it was in a different colony is astounding. Elizabeth Timothy was not viewed in the mid-eighteenth century as a foolish woman. She was seen by Charles-Town society as a woman who was trying to take care of her six small children. Elizabeth Timothy also made it clear that her job was quite simple as were her goals. Her goals were to support her children. She hoped to have the support of her friends and the subscribers of the newspapers. And her job was to make sure that what was printed was entertaining and newsworthy. She even made sure to include the fact that advertisements had to be in by a certain day of the week for it to be included in the outgoing edition. The way in which she worded her advertisement itself was very clever. By painting herself as the “poor, afflicted widow,” and adding the details about six young children, Elizabeth would have been trying to garner sympathy from the public.<sup>93</sup> Furthermore by mentioning friends and subscribers in the newspaper she would have been trying to rely on loyalty.<sup>94</sup> By detailing her plans for the newspaper, she showed herself to be very rational. Thus, Elizabeth Timothy by

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<sup>92</sup> Mary Beth Norton, *ibid.*

<sup>93</sup> J. Whitmarsh, “Just Imported,” *The South Carolina Gazette*, January 4, 1739, *Accessible Archives*.

<sup>94</sup> J. Whitmarsh, “Just Imported,” *ibid.*



1739, demonstrated that women were more than capable of leading in the public sphere of economics.

Women be they married or single could have different occupations. The most common for a woman to have other than that of a wife and stewardess of family estate business, is that of being a midwife. Being a midwife basically entailed giving care to expectant mothers during the duration of their pregnancy and during delivery. Midwives were paid for their services. There are documents detailing this. Some documentation shows that there were occasions where midwives were utilized in the birthing of children born to enslaved mothers and there is ample amount of documentation detailing the charitable services in which women applied for when they could not afford the services of a midwife.<sup>95</sup> These documents infer that although women were not considered to be equal to that of men they did have some authority.

Enslaved women could also become midwives and achieve notoriety as of the 1770s. The fact that there was a system in place by this time implies that the practice of inside women acting as midwives too other enslaved women and to white women had precluded the War of Independence by a few decades at least. According to one historian, Barbara Oberg, free women of color or enslaved women could become midwives in a few ways, the most common was to observe a white midwife and then to participate in activities that resulted in childbirth. Another way was to actually have their own experience in childbirth themselves.<sup>96</sup> These women would often be hired out to be midwives to other enslaved women on the plantations and to white

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<sup>95</sup> Margaret Lowery, "Petition from Margaret Lowrey to the St. Andrew's Society" Lowcountry Digital Library, College of Charleston Libraries, 1755-12-08; Blythe, Joseph. "Case of Lydia Witten, 1799" Lowcountry Digital Library, South Carolina Historical Society, 1799; <https://www.ncpedia.org/anchor/primary-source-rachel-allens>.

<sup>96</sup> Barbara B. Oberg, ed., *Women in the American Revolution: Gender, Politics, and the Domestic World* (Charlottesville: University of Virginia Press, 2019), 34-36, 38-49.

women. This was one occupation in which women no matter their status had real authority. They had the authority to instigate lawsuits, to hire help, and apply for aid. However, South Carolina law prohibited people of color, regardless of status from any occupation that allowed them access to medicines and poisons. The law prohibited people of color from the occupations of doctors, apothecaries, selling products outside of Charleston to anyone other than their owners, etc.<sup>97</sup> Thus, while free people of color did not have an ownership there were legal were legal restrictions to their liberty. Free Africans and Native Americans, those who had been bound in service, technically had the same rights as white colonists. The question of their rights must be asked because, so little is known of their exercise of their freedoms and liberties of those rights. They could marry, buy and sell property of all types, even operate businesses. They could even own slaves themselves.

However, free people of color were not so subtly oppressed in the colonial era. In the colony of Georgia, though it began as a slave free colony and certain communities, mostly those made-up of Lutherans, ardently opposed the institution of slavery, within twenty years of the colony's establishment the economy became plantation based one. The taxation of free people of color was so strenuous that it was unaffordable. At one point, immigration of freed people into the colony was heavily restricted. Freed people were required to have white guardians, be industrious to those guardians, pay exorbitant taxes, etcetera.<sup>98</sup> It was slavery in other terms. In South Carolina conditions were not as restrictive as Georgia but freed people were not met with

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<sup>97</sup> David J. McCord and Thomas Cooper, *The Statutes at Large of South Carolina*, vol. 7, (Columbia, S.C.: A. S. Johnston, 1836-1841), 423-424.

<sup>98</sup> Donnie D. Bellamy, "The Legal Status of Black Georgians During the Colonial and Revolutionary Eras," *The Journal of Negro History* 74, no. 1/4 (1989): 1-10, <http://www.jstor.org/stable/3031495>.

open arms. In the Carolinas especially in the urban areas free people of color were met with great suspicion in times of economic distress.

They could own their own businesses, but white colonists would frequently boycott or protest. These protests would usually manifest themselves in a call to the legislature on the basis that the companies were using subpar materials or were using stolen goods. There were even accusations that these companies were under valuing the works so as to put the competitive white companies under.<sup>99</sup> Thus it does demonstrate that freed people of color did have the right to start up their own businesses and operate them as they saw fit, but they were heavily oppressed by a white dominated legislative assembly.

Free people of color were free to marry. Many newspaper articles suggest that married couples operated with the same actions as their white counterparts. As far as they were legally able. There were announcements that men were leaving their wives and that they were no longer financially responsible for their decisions. The article written in the *South Carolina Gazette* on September 27, 1771 is especially insightful: “RICHARD PERONNEAU a free Negro Carpenter, gives this public notice, and forewarns all persons, not to trust his wife, a free wench named Nancy, a mulatto, on his account, as he is determined not to pay any debts of her contracting from the date hereof, as she is eloped from him.”<sup>100</sup> This is suggestive that either there was a separation occurring or that the wife had incurred debt in her own business. However, as the

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<sup>99</sup> Thomas Bennett, John Jr. Calvert, Daniel Cannon, John Clement, Abraham Leaver, J. Muncreef, Benjamin Russell, Stephen Shrewsbury, Thomas Jr. Stone, Benjamin Wish, “Carpenters And Bricklayers Of Charleston, Petition Concerning Loss Of Work To Negro Tradesmen And Asking That A Law Be Passed To Prohibit Negroes From Undertaking Work On Their Own Behalf,” February 22, 1783, Petitions to the General Assembly (S165015), South Carolina Department of Archives and History.

<sup>100</sup> Richard Peronneau, “Charles-Town, September 27, 1771,” *The South Carolina Gazette*, September 21, 1771, *The South Carolina Gazette*, *Accessible Archives*, accessed April 1, 2023.

article also states that Nancy eloped from Richard, it meant that as of 1771 free people of color in South Carolina did have the right to marry. They also had the right to separate.

Slavery was a brutal economic tool in America, but it was especially brutal in the South. The Carolinas which had adopted the slave codes of Barbados were especially cruel in the treatment of slaves.<sup>101</sup> By the time of the late eighteenth century and early nineteenth century the number of slaves in South Carolina and Georgia outnumbered the population of white landowners.<sup>102</sup> The economy of the region depended on an agricultural production just as it had since the seventeenth century of products such as indigo, rice, and cotton.<sup>103</sup> All of these crops were labor intensive and came with dangerous liability. People who were slaves were at the highest risk. Pulmonary illness, loss of limb, and risk of exposure were highest amongst the population of slaves, whereas they were less likely to contract tropical diseases such as malaria and yellow fever.<sup>104</sup> Due to the value of the agricultural output, but the disproportionate number of white overseers to slaves, laws were regularly ignored pertaining to the number of overseers to

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<sup>101</sup> Daniel C. Littlefield, "Chapter 9: Colonial and Revolutionary United States," in *The Oxford Handbook of Slavery in the Americas*, ed. Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 208-213.

<sup>102</sup> Daragh Grant, "'Civilizing' the Colonial Subject: The Co-Evolution of State and Slavery in South Carolina, 1670-1739," *Comparative Studies in Society and History* 57, no. 3 (2015): 607, <http://www.jstor.org/stable/43908365>; Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake & Lowcountry* (Chapel Hill: University of North Carolina Press, 1998), 5-7, 16-17, 39-42; Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Norton, 1974), 54-55, 95-103.

<sup>103</sup> Daniel C. Littlefield, "Chapter 9: Colonial and Revolutionary United States," 213; Jennison, *Cultivating Race*, 30-31; Rugemer, *Slave Law*, 120; Daniel C. Littlefield, "Colonial and Revolutionary United States," 209-211; Peter H. Wood, *Black Majority Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Alfred A. Knopf, 1975), 36-38; Andrea Feeser, *Red, White, and Black make Blue: Indigo in the Fabric of Colonial South Carolina Life*, 1st ed. (Athens, Georgia: The University of Georgia Press, 2013), 12, 35, 42; Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (Cambridge: Cambridge University Press, 2011), 11, 41, 47, 153-158.

<sup>104</sup> Rugemer, *Slave Law*, 207; Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (Cambridge: Cambridge University Press, 2011).

slaves. The abuse of slaves also led to rebellions, small and large, such as the Stono Rebellion in the 1740s.

There was also a theory that held sway for centuries that slavery and servitude was a civilizing enterprise. Under this theory, civilizing a population took time if not generations. It was a tool of assimilation and if freedom were given too soon it would result in violence. Therefore, manumission should occur slowly. These facts infer that manumission stalled during the age of Enlightenment, Revolution, and Early Republic because there was a mass fear of insurrection from domestic enemies.<sup>105</sup> However, manumissions did not completely stop because not to free people who had the potential and or did serve in the military conflict which resulted in the formation of a new nation or protected the public would go against the feudalistic tradition that the American people had clung to.

There were several events that happened in the Carolinas and Georgia that contributed to counter revolutions with regards to Africans and women. One of these events is that of the Yamasee War (1715-1717). This event effectively ended the enslavement of Native Americans and even led to the establishment of the colony of Georgia. The event also meant that the decline in the reliance of enslaved Native Americans would lead to the reliance of African slavery.<sup>106</sup> During the course of the colonial era there had been several well-known slave rebellions. Many of these rebellions occurred in Barbados which had a close relationship with the Carolinas and

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<sup>105</sup> Robert A. Olwell, “‘Domestick Enemies’: Slavery and Political Independence in South Carolina, May 1775-March 1776,” *The Journal of Southern History* 55, no. 1 (1989): 21–48, <https://doi.org/10.2307/2209718>.

<sup>106</sup> Steven J. Oatis, *A Colonial Complex: South Carolina's Frontiers in the Era of the Yamasee War, 1680-1730* (Lincoln: University of Nebraska Press, 2004); Jeff W. Dennis, *Patriots and Indians: Shaping American Identity in Eighteenth-Century South Carolina* (Columbia, S.C.: The University of South Carolina Press, 2017).

news of these rebellions would have spread very quickly.<sup>107</sup> In South Carolina there was the Stono Rebellion of the 1740s.<sup>108</sup> There were also several smaller rebellions that would have happened on smaller plantations and did not have a large impact on the colony's overall economy.

The primary feature of the slave rebellions was that slaves would organize and oftentimes become armed in a variety of fashions. In the early years of the colonies, slaves were allowed to be armed or they had access to weapons. Riots would begin and usually the slave owners would be targeted. Depending on the number of overseers on any given plantation, the riot would be put down quickly but not without injury to the slave owners. In Barbados, the rebellion became a quasi-civil war in which many lives were lost. The fears of these events would stir the masses into a frenzy. The result was to come to some sort of agreement that would still be oppressive and yet seemed to be appealing to the slaves. The Stono Rebellion for instance resulted in slaves being given Sundays off.<sup>109</sup> The rebellion also and created a sense of fear in the Carolinas that because the majority of slaves involved were from Africa that these foreign slaves would be more likely to rise up in rebellion again. The result was that there was a memorandum on the importation of slaves to the Charleston port for a time.<sup>110</sup> However, these rebellions resulted in it

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<sup>107</sup> John Woolman, *The Journal of John Woolman With and Introduction by John G. Whittier* (Boston and New York: Houghton Mifflin Company, 1909), 111.

<sup>108</sup> Jack Shuler, *Calling Out Liberty the Stono Slave Rebellion and the Universal Struggle for Human Rights* (Jackson: University Press of Mississippi, 2009), 8, 11, 42, 45; Peter H. Wood, *Black Majority Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Alfred A. Knopf, 1975).

<sup>109</sup> "NO. 670 AN ACT FOR THE BETTER ORDERING AND GOVERNING NEGROES AND OTHER SLAVES IN THIS PROVINCE," in *The Statutes at Large of South Carolina, Vol. 7, Containing the Acts Relating to Charleston, Courts, Slaves, and Rivers*, David J. McCord, ed. (Columbia, SC: A.S. Johnston, 1840), p. 397

<sup>110</sup> *Ibid.*

being made illegal for slaves to be armed at all.<sup>111</sup> Slave-owners were legally mandated to keep their weapons locked up and to increase the number of overseers employed on their plantations in correlation to the number of slaves per plantation.<sup>112</sup> In accordance with earlier slave codes, slaves were required to have written permission to travel off the property of their owners.

In Georgia, there was a counter-revolutionary action in the taxation of free people of color. The restriction on immigration of free people of color into the colony also represented a counter-revolutionary action as well. As the article by Bellamy demonstrates from the era after the ban on slavery was lifted in Georgia taxation on people of color who were freed was dramatically different from those who were enslaved and from those who were free, white people.<sup>113</sup> It is demonstrated that the tax rates at any one point were much higher than that of the rate of enslaved or free white people. And the rate increased as the decades went on. With regards to the restriction on immigration of free people of color in Georgia, there were various laws which were put in place that were engineered to dissuade immigration. These laws would only get more restrictive and eventually result in the prohibition of the immigration of free people of color into the state of Georgia, a law that would be repealed within a few years of its enactment.<sup>114</sup> What the oppressive actions of taxation and restrictions of immigration

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<sup>111</sup> Ibid.

<sup>112</sup> “An Act for the Better Ordering and Governing Negroes and Other Slaves in This Province, May 1740,” in *The Statutes at Large of South Carolina*, vol. vii, Containing the Acts Relating to Charleston, Courts, Slaves, and Rivers, ed. David J. McCord (Columbia, S.C.: A.S. Johnston, 1840), 397.

<sup>113</sup> Donnie D. Bellamy, “The Legal Status of Black Georgians During the Colonial and Revolutionary Eras,” *The Journal of Negro History* 74, no. 1/4 (1989): 1–10, <http://www.jstor.org/stable/3031495>.

<sup>114</sup> W. McDowell Rogers, “FREE NEGRO LEGISLATION IN GEORGIA BEFORE 1865,” *The Georgia Historical Quarterly* 16, no. 1 (1932): 27–37, <http://www.jstor.org/stable/40576162>; Aaron Palmer, *A Rule of Law: Elite Political Authority and the Coming of the Revolution in the South Carolina Lowcountry, 1763-1776* (Leiden: BRILL, 2014), Ch. 3.

demonstrate is that there was a counter-revolutionary trend in Georgia prior to the War of Independence. It is emphasized more thoroughly after the conflict with the ratification of the state constitution which emphasized that only citizens of means, and who were male, and were white could be citizens and participate in the voting process.



## Chapter Four: Religion and the Prelude to the War of Independence

It is difficult to ascertain the causes of the American War of Independence. There was a multifaceted causation involved. Philosophies circulating during the Enlightenment era informed revolutionary ideology. Religion informed the hearts and minds of the people in the Carolinas and Georgia. Enlightened philosophies and religious beliefs combined with previous military actions and Parliamentary legal actions in the colonies, created tensions between the British and who would be the Patriot colonists. Revolutionary Georgia and the Carolinas were not particularly different than the era preceding it. During the 1770s, Georgia and both of the Carolinas were still comprised of families that recently migrated to the colonies and or had intimate business dealings with Great Britain. Many Loyalists came from this region as a whole.<sup>1</sup> Some families like the Ball family in the Carolinas were Loyalists. Other families like the Rutledge, Laurens, and other families of note were Patriots. In later generations these families would become related through marriage.<sup>2</sup> Business dealings and intimate connections with people in Great Britain did not necessarily connote loyalism in the colonies. This is demonstrated by the service provided by the Rutledge and the Pinckney families for example. Many families within the Carolinas and Georgia sought to separate themselves from Great Britain because of the ideological stance that was taken.

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<sup>1</sup> Jim Picuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the American Revolutionary South, 1775-1782* (Columbia: University of South Carolina Press, 2010), 14-30; Walter Edgar, *A South Carolina Chronology* (Columbia: University of South Carolina Press, 2020), 22, 572-573; Robert Stansbury Lambert, *South Carolina Loyalists in the American Revolution* (2nd ed. Clemson University Digital Press, 2011); Spencer Bidwell King, "Georgia and the American Revolution: Three Shades of Opinion," *The Georgia Review* 23, no. 1 (1969): 44-50, <http://www.jstor.org/stable/41396524>.

<sup>2</sup> Rebecca Brannon, *From Revolution to Reunion: The Reintegration of the South Carolina Loyalists* (Columbia, South Carolina: University of South Carolina Press, 2016), 121-122.

As discussed in the previous chapters, revolutionary ideology was circulated throughout the colonies through various means. There were the colonial colleges for instance which promoted the ideas of Montesquieu, John Locke, Thomas Hobbes, David Hume, and many others. Rousseau was taught at a later date. Also prevalent in these colonial colleges was a sense of religious reform and revolution. Many of the most well-known Great Awakening leaders were involved in education systems in the colonial Americas.<sup>3</sup> Harvard for example was founded in the 1630s by Puritans; Rutgers University then known as Queens college was established by Dutch Reformists; Yale was established in 1701 by Puritans; Brown University, then known as the College of Rhode Island was established by Baptists.<sup>4</sup> Many famous colonial religious leaders either taught at these universities or were educated in them. John Edwards is an example of one such person. John Witherspoon, the sixth president of Princeton University, then the College of New Jersey, advocated for the Patriots in the War of Independence against Great Britain.<sup>5</sup> Furthermore these colleges provided a venue by which ideas regarding religion and political theory could be shared not unlike the college of Edinburgh. Not all leaders of the religious faith present in American colonies were mentored at or even part of the staffs of colonial universities. Men like Reverend John Zubly and George Whitefield, as well as John Wesley were all educated at universities in Britain. Their sermons and teachings helped to inform

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<sup>3</sup> James W. Fraser, "The Great Awakening and New Patterns of Presbyterian Theological Education," *Journal of Presbyterian History* (1962-1985) 60, no. 3 (1982): 189–208, <http://www.jstor.org/stable/23328434>; Josiah Quincy, *The History of Harvard University* (Boston: Crosby, Nichols, Lee, and Company, 1860), 20, 195; Franklin Bowditch Dexter, *Documentary History of Yale University: Under the Original Charter of the Collegiate School of Connecticut, 1701–1745* (New Haven: Yale University Press, 1916).

<sup>4</sup> Althea Stoekel, "Presidents, Professors, and Politics: The Colonial Colleges and the American Revolution," *Conspectus of History* 1, No. 3 (1976): 45.

<sup>5</sup> Stoekel, "Presidents, Professors, and Politics: The Colonial Colleges and the American Revolution," 49-50.

the minds of colonists. In the Carolinas and Georgia, these men had formed a vital part of the societal hierarchy.

The coming of the so-called American Revolution was by no means sudden. Dissent from Britain had already occurred in North American colonies prior to the eighteenth century with the exception of the colony of Georgia which had not been established. Although religious differences did not form the core cause of the American War of Independence, religion and religious leaders did help to hasten the conflict into being. The reason that the First Amendment of the United States Constitution guarantees the citizens right to freedom of religion is directly tied to the colonial experiences with religious persecution and separation of Church and State. However, the reason the amendment prohibits the government from establishing a law respecting the establishment of religion has more to do with the colonial experience under the authority of a king who controlled both church and state.<sup>6</sup> The people were aware that there needed to be a separation between church and state.

They were aware through biblical and historical precedent that by giving a monarch too much power they would be led to ruination of their own rights. Religion and religious leaders were just a means of providing justification. It was in churches where people congregated to hear messages about God's will and at times politics. Anglican churches were more likely to be aligned with the British because the head of the church was the King. However, Baptists, Presbyterians and other dissenting congregations were not Anglican and were likely to spread democratic messages. It is in religion, where the message that all are created equal under a

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<sup>6</sup> Linda R. Monk, *The Words We Live By: Your Annotated Guide to the Constitution* (New York: Hyperion, 2003), 130-136.

creator may be made.<sup>7</sup> It is clear that in the churches of the colonies the clergy did not have the same autonomy as the church in England.<sup>8</sup> There was a controversy even of the establishment of the Anglican Bishop in the colonies because colonists did not want to relinquish any of their autonomy. This resonated among women and enslaved people. It also resonated throughout the population as a whole in response to the social and political tensions between the colonist and the British government.

Discontent came in the form of religious differences. People of differing denominations of Christianity established many colonies. In recognition of tensions between the different denominations, the Lord's Proprietors and John Locke structured the Fundamental Constitution of the Carolinas on complete religious toleration.<sup>9</sup> Despite the Church of England being established by law in North Carolina shortly after 1700 argues Mark Noll, settlers seldom saw an Anglican clergyman and "dissent became the norm despite the law."<sup>10</sup> This is termed governmental coercion by Mark Noll as the practices began to be more concentrated in the concerns of the laity not the clergy.<sup>11</sup> The disunity of religious institutions in the American colonies permitted the growth of self-governance in various regions, where the populations religious congregations dominated the demographics.

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<sup>7</sup> Aaron Palmer, *A Rule of Law: Elite Political Authority and the Coming of the Revolution in the South Carolina Lowcountry, 1763-1776* (Leiden: BRILL, 2014), 161-167.

<sup>8</sup> Palmer, *A Rule of Law*, 161.

<sup>9</sup> "The Fundamental Constitutions of Carolina: March 1, 1669," 96-110.

<sup>10</sup> Mark A. Noll, Luke E. Harlow, and Inc. NetLibrary, *Religion and American Politics: From the Colonial Period to the Present, 2<sup>nd</sup> edition* (New York; Oxford: Oxford University Press, 2007; 2011), 26; Robert M. Weir, *Colonial South Carolina: A History* (Columbia, S.C: University of South Carolina Press, 1997), 333-336.

<sup>11</sup> Noll, *Religion and American Politics*, 28.

As of 1776, there were seventeen main denominations present in the colonies: Congressional, Presbyterian, Baptist, Lutheran, Roman Catholic, Episcopal, Quaker, German Reformed, Dutch Reformed, Methodist, Separate, Moravian, Dunker, Mennonite, Huguenot, Sandemanian, and Jewish.<sup>12</sup> The primary religious dominations of the populations of North Carolina, South Carolina, and Georgia in the era around the time of the 1760s and 1770s were comprised of Anglicans, Presbyterians, Baptist, Quakers, Lutherans, Moravians, even a small community of Jews. There were approximately 165 church congregations in North Carolina; 166 in South Carolina; And 23 in Georgia. Congregations in North Carolina were comprised of Presbyterians which represented about 28.5% of the denominations present, 25.5% Baptist, 14.5% Episcopal or Anglican, 18.2% Quaker, 7.2% German Reformed Church, 1.8% Lutheran, 1.2% Methodist, 3% Moravian, and the remaining .1% of the congregations are unaccounted for due to missing records. Of The 166 congregations present in the colony of South Carolina as of 1776: 1.2% were Congregationalist, 31.3% were Presbyterian, 24.7% were Baptist, 22.9% were Episcopal or Anglican, 4.9% were Quakers, 2.4% were German Reformed Church congregations, 9% were Lutheran, 3.6% are listed as other. Other in South Carolina meant that and these congregations were Huguenots, Jewish, or dunkers, members of the reformed Scottish church.

Of the twenty-three congregations in the colony of Georgia 4.3% were Congregationalist, 13% were Presbyterian, 30.4% were Baptist, 13% were Episcopal Anglicans, 13% were Quakers,

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<sup>12</sup> Rodney Stark and Roger Finke, "American Religion in 1776: A Statistical Portrait," *Sociological Analysis* 49, no. 1 (1988): 43, 45-49, <https://doi.org/10.2307/3711102>; Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: University of North Carolina Press, 2002), 78, 82-84; William A. Link, *North Carolina: Change and Tradition in a Southern State* (Gainesville, FL: Wiley-Blackwell, 2018), 115-117.

21.7% were Lutheran, and 4.3% were Moravian.<sup>13</sup> In Georgia, there were many more dissenting groups than there were Anglican, but there did not seem to be any disruption to public life prior to the War of Independence caused by religious practices.<sup>14</sup> The distribution of the separate congregation denominations in the three southernmost colonies are indicative of the fact that there was an overwhelming majority of the church congregations which would not have strictly been aligned with the Church of England. Baptist and Presbyterians were certainly not well liked by various Anglican ministers especially in the back country.

The Great Awakening had many political implications. Emphasis on New Birth as individual spiritual experience contributed to a growing sense of self determination and self-agency among British colonials. Self-determination and self-agency further led to a growing sense of individual rights and nationalism. It was from this movement that many colonial colleges were established. All colonial colleges were established to furnish the colonies with more men educated for the purpose of joining the clergy.<sup>15</sup> Colleges provided the means for an exchange of ideas. Religion and political philosophy did coincide at times. Emphasis on liberty and religious freedom characterized the Great Awakening and eased the way for the American War of Independence. Since the Glorious Revolution of 1688 the religious identity of Britain and its colonies centered on the “Protestant interest.”<sup>16</sup> The Glorious Revolution had resulted in the

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<sup>13</sup> Stark and Roger Finke, “American Religion in 1776: A Statistical Portrait,” 43, 45-49; Kenneth Coleman, *The American Revolution in Georgia, 1763–1789* (Athens: University of Georgia Press, 2021), 13-14; Patricia U. Bonomi, *Under the Cope of Heaven: Religion, Society, and Politics in Colonial America*, Updated ed. (New York: Oxford University Press, 2003), 49.

<sup>14</sup> Coleman, *The American Revolution in Georgia*, 13-14.

<sup>15</sup> Bonomi, *Under the Cope of Heaven*, 153.

<sup>16</sup> Thomas S. Kidd, *America’s Religious History: Faith, Politics, and the Shaping of a Nation*, (Grand Rapids, Michigan: Zondervan Academic, 2019), 46.

monarchy of Britain being Protestant, not catholic. Catholics have been seen as the cause of political and economic turmoil historically. Colonies were mistrustful of Catholics for various reasons. Catholic France had colonial power in New France or Canada, and to the West and to the South, Spain threatened the Carolinas and Georgia. The primary threat from Spain came from its territory in Florida.<sup>17</sup> There was a correlation between politics and religion prior to the 1760s. This correlation was further emphasized with the pursuance of the Quebec Act. Religious tensions exploded into the Seven Years War, as it was known in Europe, or the French and Indian War. The anti-Catholicism which ran rampant through revivalism resulted in a fractured religious sphere.<sup>18</sup> Colonists formed new churches, under different religious doctrines some of these doctrines were not in agreement with the Anglican church. This descent fostered disagreement even with British policies regarding the colonies.

Georgia's colonial charter expressly forbade Catholicism and initially Judaism. All other forms of Christian religion were permitted. The Carolinas welcomed people of all religious denominations with the exception of those who practiced Catholicism. Although the Carolinas were not chartered by religious groups, the charters issued to the Lord's Proprietors did contain religious provisions. The proprietors believed that toleration would aid the colonies economic prosperity, a direct parallel to Georgia's practice which disavowed the female inheritance and highly restrictive labor requirements which hindered economic progress.<sup>19</sup> However, the stipulations by the King placed on the colonial charters were vague and seemingly tolerable. The

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<sup>17</sup> Kidd, *America's Religious History*, 36, 46; Bonomi, *Under the Cope of Heaven*, 32-33.

<sup>18</sup> Kidd, *America's Religious History*, 36-48.

<sup>19</sup> Haskell Monroe, "Religious Toleration And Politics In Early North Carolina," *The North Carolina Historical Review* 39, no. 3 (1962): 267, <http://www.jstor.org/stable/23517286>.

colonial Church of the Carolinas was the Anglican church officially and that indulgences and dispensations would be paid by those who would not agree with the Anglicans. The inference was that those who would not agree with the Anglicans were Catholics. Catholicism was the religion practiced by Spain and France. Both Spain and France had a tenacious relationship with Britain at this time. The Holy Roman Empire was also staunchly Catholic and since the days of Henry VIII maintained a strained relationship with Britain. The second charter of the Carolinas granted in 1665, did promise freedom of consciousness in addition to the provisions of the Charter of 1663. It was the Fundamental Constitution drawn up by John Locke, which granted liberty of consciousness to all persons, including those enslaved, and the freedom to worship undisturbed, regardless of their religion or method of worship.<sup>20</sup> However, only Anglicans were assured of their political rights. No legal protection would be granted to the unchurched. A person had to be a member of a church or a profession to have protection under the law. Members of dissenting churches would have legal protection so long as they were not Catholic or Catholic sympathizers. Conversion to Christianity had no effect on a person's status as a slave.<sup>21</sup>

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<sup>20</sup> Haskell Monroe, "Religious Toleration," 268; "The Fundamental Constitutions of Carolina: March 1, 1669," 96-110; Charles I Patent to Sir Robert Heath. William L. Saunders (ed.) *The Colonial Records of North Carolina* (Raleigh: State of North Carolina, 10 volumes, 1886-1895), I, 56; Edward McCrady, *The History of South Carolina, 1670-1783* (New York: Macmillan Company, 4 volumes, 1897 1902), I, 45-49; Charles II on August 12, 1663; "State of the Case of the Duke of Norfolk's Pretensions to Carolina," Saunders, *Colonial Records*, I, 35-36, 42-43; "First Charter of Carolina," March 24, 1663, Saunders, *Colonial Records*, I, 20-33; "Second Charter Granted by King Charles the Second, to the Proprietors of Carolina, Dated the Thirtieth Day of June, in the Seventeenth Year of His Reign, A. D. 1665," Saunders, *Colonial Records*, I, 102-114.

<sup>21</sup> Edward Countryman, *Enjoy the Same Liberty: Black Americans and the Revolutionary Era* (Lanham, Md: Rowman & Littlefield, 2012), 7; Daniel C. Littlefield, "Chapter 9: Colonial and Revolutionary United States," in *The Oxford Handbook of Slavery in the Americas*, ed. Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 209.



The exclusion of Catholicism from North Carolina, South Carolina, and Georgia was deliberate. By excluding Catholics from citizenship the legislators were effectively discouraging dissent from Britain. To this effect the actions of Parliament in the 1760s with the Quebec Act and the end of the salutary neglect was seen as contradictory and an encroachment of colonial rights.<sup>22</sup> It was also the perspective of the colonies that the King by allowing the practice of Catholicism in his territories was allowing the English citizens should be open to attack. By leaving his subjects unprotected the King and the Parliament were seen in violation of the social contract in which allowed them to remain in control. Not only were they violating the logic set forth by the enlightened thinkers, but they were also violating English tradition which had been affirmed as far back as the Magna Carta.

There were several events and ideas which contributed to the initiation of the American War of Independence. The multiple French and Indian wars and their effects on Britain's colonial policies played no small part in the colonist's decision to rebel against Great Britain. There were a series of European wars which coincided with wars fought on colonial grounds. In many academic works these conflicts which were fought on colonial grounds were collectively called French and Indian wars, but they also had individual names to distinguish them. The French and Indian wars were several military conflicts, the last of which was fought from 1754 to 1763 is the most famous. These conflicts coincided with European conflicts from the late 1680s. There were four intercolonial conflicts and at least two separate military conflicts fought in North America.<sup>23</sup> These conflicts featured combatants from Britain, France, Spain, and the colonies. Indigenous

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<sup>22</sup> Lenora Warren, *Fire on the Water: Sailors, Slaves, and Insurrection in Early American Literature, 1789-1886* (Lewisburg, Pennsylvania: Bucknell University Press, 2019), 22-84.

<sup>23</sup> Thomas S. Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010), 16.

peoples also played a significant role as combatants. The intercolonial wars featured European combatants and their respective colonial citizen soldiers fighting each other with indigenous peoples fighting for whomever they were allied with. The loss of colonial life and the economic impact of these conflicts strained tensions between British American colonists and Parliament. National debt attributed to the Seven Years War, the infamous French and Indian war, was nearly doubled and that was a catalyst to British policies in the colonies igniting colonial rebellion for Britain.<sup>24</sup> The economic and political implications combined with the religious tensions in the British Empire was a recipe for disaster.

To settle the debt incurred as a result of the military conflicts and defray costs of colonial administration, several taxes were levied against the American colonists. By implementing laws and taxes such as the Quartering Act in 1765, the Sugar Act of 1764, the Stamp Act of 1765, the Quebec Act of 1764, with the Suspending Act, the Townshend Acts in 1767, and the Intolerable Acts in 1774 also known as the Coercive Acts, as they were known in Britain, Britain caused colonial citizens to go to extreme lengths to protect their rights and liberties as Englishmen.<sup>25</sup> The increased taxation and forced quartering of British soldiers who abused the generosity of their host would know financial recompense where one part of the infraction of the rights of the colonists as English citizens. Another issue was that colonists were not afforded the right of representation. Colonists, according to English tradition and history, were to be permitted

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<sup>24</sup> Fred Anderson, *Crucible of War: The Seven Years' War and The Fate of Empire in British North America, 1754-1766* (New York: Alfred A. Knopf, 2000), 588-589; Patrick Rael, *Eighty-Eight Years: The Long Death of Slavery in the United States, 1777-1865*, 55-57.

<sup>25</sup> Thomas S. Kidd, *God of Liberty*, 12.

representation in matters of Parliament. This was the basis of many Patriot arguments against the British.

Charleston at the time of the Revolutionary Era was one of the largest, richest towns in the colonies. It was a provincial capital and the center of commercial activity for South Carolina. The population of the low country of South Carolina had been enriched economically and politically by the exploitation of indigo and rice produced by the labor of enslaved Africans. Families such as the Laurens, Motte, and Pinckney's were able to build fortunes upon this labor. Wealth brought privilege and political power. As so many of these families were concentrated in the low country, so too was the political power of the colony. When Parliament brought forth the Stamp Act in 1765, imposing a tax on newspapers, custom documents, and other legal documents, South Carolina's population of planters and artisans "believed that the law encroached on their right to be taxed only by their own provincial assembly and they prepared to resist any attempt to enforce the act... Burned in effigy of The stamp distributor [George S. Saxby], broke several windows of his house, and eventually forced him to resign," and they staged a mock funeral for liberty.<sup>26</sup> The newspaper articles printed a very detailed response of South Carolina's response to the Stamp Act.

The newspapers description provides the perspective of the people towards the actions of Parliament. There were many effigies, but the most visible one was hung in the middle of Broad and Church Street on October 19, 1765. *The South Carolina Gazette* printed a description of the effigies:

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<sup>26</sup> Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the American Revolutionary South, 1775-1782*, 28.

on a gallows seventy feet high, an effigy, designed to present a distributor of paper, with a figure of the devil on right hand, and on left a Boot, with a head stuck upon it, distinguished by a blue bon to each of which were fixed labels expressive of the sense of a people, unshaken in their loyalty, but tenacious of just liberty, who had conceived, "that all duties imposed upon them, without the consent of their immediate, or even virtual, representatives, was grievous, oppressive, and unconstitutional; and that an extension of the powers and jurisdiction of admiralty courts in America, tended to subvert one of their most darling legal rights and privileges, that of trials by juries."—On the allows, in very conspicuous character, was written, "LIBERTY and on STAMP-ACT;" and on the back of the principal figure those effigies, had better been born with a mill-store about his neck and cast into the sea."—In the situation the effigies continued the whole day, without one person's offering to disturb or as them down, the court of general sessions of the peace, over determiner, assize, and general jail delivery, sitting all the while; was there the left riot or disturbance, tho' a great concourse of ple incessantly resorted to the place of exhibition.<sup>27</sup>

Parliament's implementation of taxation acts received mixed reactions in the colonies.

Some colonist believed that the taxations placed upon them were extremely unfair, and that the representation in Parliament was ineffective. Other colonists believed that it was their duty to their king and to the Parliament to adhere to the rulings of Parliament. However, there is a certain irony in the reactions of the colonials in the Carolina low country. They resented the taxation without representation in the Parliament and yet in the upcountry, or the Backcountry, there was almost no representation in the House of Commons. The Regulator Movement of the 1760s was a prelude to the revolution in this sense. However, Regulators were not American Patriots they were in fact loyal British subjects.<sup>28</sup> The elite of the low country oppressed the people in the Backcountry. In South Carolina this oppression is due to the fact that the Backcountry was settled by approximately three fourths of the colony's entire white population which was about 35,000 and an untold number of Cherokee and Catawba Indians while the colonial government

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<sup>27</sup> J. Whitemarsh, "Charles-Town, October 30<sup>th</sup>," *The South Carolina Gazette*, October 30, 1765, The South Carolina Gazette, *Accessible Archives*, accessed February 13, 2024.

<sup>28</sup> Sarah Sadlier, "Prelude to the American Revolution? The War of Regulation: A Revolutionary Reaction for Reform," *The History Teacher* 46, no. 1 (2012): 97–126, <http://www.jstor.org/stable/43264077>; William A. Link, *North Carolina: Change and Tradition*, 117-122.

was confined to a coastal region.<sup>29</sup> There was very little representation of the Backcountry in the House of Commons in the colonial legislature, in North Carolina and South Carolina. As a result, there were very little interest paid to the concerns expressed by the population in these regions such as the increase of banditry. This movement was very different in North Carolina and South Carolina. The movement in North Carolina was described more as a “peasant uprising” and achieved very little success.<sup>30</sup> However, the one commonality was that the movement in both regions was meant to provide a sense of law and order.

Georgia had a slightly more reserved reaction. Georgia did enjoy far more protections from Britain. It was the newest colony and still had a very close relationship to the British government.<sup>31</sup> With regards to Georgia, only one of the three royal governors had the qualifications necessary to maintain the colony. That governor was James Wright. James Wright had even resided in South Carolina where his father had been a Chief Justice and planter. James Wright had studied law at Grays Inn in England and was very familiar with the political climate of the southern colonies.<sup>32</sup> While he resided in South Carolina, James Wright also served as the attorney general and a liaison to Great Britain. James Wright was a typical gentleman of the eighteenth century in that he believed that government should be left to the “better sort of

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<sup>29</sup> Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (University of North Carolina Press, 1990), 10; Weir, *Colonial South Carolina*, 212-213; Ryan A. (Ryan Alexander) Quintana, *Making a Slave State: Political Development in Early South Carolina* (Chapel Hill: University of North Carolina Press, 2018), 108.

<sup>30</sup> John Spencer Bassett, *The Regulators of North Carolina, 1765-1771* (Washington: Government Print Office, 1895), 142, 1150-155.

<sup>31</sup> Coleman, *The American Revolution in Georgia*, 2, 18; Watson W. Jennison, *Cultivating Race: The Expansion of Slavery in Georgia, 1750-1860* (Lexington: University Press of Kentucky, 2012), 41-42.

<sup>32</sup> Coleman, *ibid.*, 3.

people,” not the lower classes.<sup>33</sup> This excluded poor white people and disenfranchised people of color, free and enslaved. As Georgia was new and the fact that it had been recently released of the control of the Trustees, Georgia still enjoyed some of the relief funneled from the British government as of the 1760s. Having a royal governor that was aware of the political and economic circumstances of the southern colonies and who had connections was of great benefit. It also meant that Georgia had a difficult time separating itself from Great Britain.

Prior to the enactment of the Quartering Act of 1765, financing for colonial troops had been undertaken directly by representative provincial assemblies, not the British Parliament.<sup>34</sup> To the colonists, the British were overcharging them for their protection and attempting to abscond with powers of government which colonial representative assemblies had practiced for some time without interference. These practices had occurred essentially from the establishment of the various colonies, so approximately hundred and fifty years before the end of the last French and Indian war.

Most of the colonial troops which fought in the French and Indian wars originated from the northern and middle colonies. However, some did come from the Carolinas and Georgia. Francis Marion fought in the French and Indian War.<sup>35</sup> The various conflicts which occurred in the colonies of the Carolinas and Georgia were also financed by colonial assemblies and Parliament against the French, Spanish, and enemy indigenous peoples. For instance, Oglethorpe

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<sup>33</sup> Coleman, *ibid.*, 3-4, 10.

<sup>34</sup> Fred Anderson, *A People's Army: Massachusetts Soldiers and Society in the Seven Years' War* (Chapel Hill: The University of North Carolina Press, 2012), 232; C. L. Bragg, *Crescent Moon over Carolina: William Moultrie and American Liberty* (University of South Carolina Press, 2013), 226.

<sup>35</sup> Fred Anderson, *A People's Army: Massachusetts Soldiers and Society in the Seven Years' War* (Chapel Hill, [North Carolina]; London, [England]: Published for the Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2012), , 232.

was permitted by England to lead an attack against Saint Augustine in 1742 and although this event was not part of any conflict associated with the ‘French and Indian War,’ it was conducted to halt the progression Spanish colonial power after threats of Spanish invasion.<sup>36</sup> Specifically, this was part of the conflict known as the War of Jenkins Ear. This same war with the Spanish caused issues with the shipping of rice which at the time was one of the Carolinas and Georgia’s biggest exports. The increasing cost of shipment of rice was due in part to the corresponding increase in insurance. It was at this time that the Carolinas and the coast of Georgia invested heavily in the cultivation of indigo for the production of indigo dye which could be sold in light, compact disks. By 1775, the Americas from South Carolina exported to England 1,112,000 pounds of indigo dye.<sup>37</sup> After the onset of hostilities the uniforms of the Continental Army were dyed with American indigo. Export of indigo decreased, but the color of indigo in the Continental Army uniforms was a symbol of American patriotism. The agricultural economy of the former southern colonies changed greatly after the War of Independence. Indigo and rice ceased to be the major exports.<sup>38</sup> Instead cotton became the staple crop. It also corresponded to a rise in slavery.

The House of Commons in South Carolina, the Commons House of Assembly, also financed their own militia in 1760 when Parliament refused to do so as they were experiencing

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<sup>36</sup> Account of the Battle of Bloody Marsh, 1742, page 7, ah00634, Georgia Records from Duke University, Acc. 1988-0015M, Georgia Archives; Albert Harkness, “Americanism and Jenkins’ Ear,” *The Mississippi Valley Historical Review* 37, no. 1 (1950): 61–90, <https://doi.org/10.2307/1888755>.

<sup>37</sup> Feeser, *Red, White, and Black Make Blue*, 55.

<sup>38</sup> C. L. Bragg, *Crescent Moon over Carolina*, 226.

issues with the Cherokee Nation.<sup>39</sup> There was also the Regulator Movement in the Carolinas which was primarily an internal colonial matter.<sup>40</sup> The decisions made by provincial colonial legislative bodies were made with the consent of the colonial public, there were representatives of colonials in these legislative bodies.<sup>41</sup> There is some debate as to the obligation of several separate colonies to repay the British for the French and Indian War debt due to their relative separation from the issue at large. Therefore, the anger which was presumably had by the colonists for the implementation of the acts of the Parliament in the pursuit of repayment of war debts and punishment against northern colonial acts of protest of the above-mentioned acts was considered justified by colonists. To the British not only were the Carolinas and Georgia British colonies and therefore fell under the laws of Britain and beholden to the law of the monarch, but they were also in debt to Britain for their maintenance. Britain also considered the protests and acts of rebellion to be a breach of the oath of allegiance.

In the Middle Ages the system in place in England demanded military service in order to maintain control of lands. If the king called for military service, the knights who swore an oath of fealty were obliged to serve.<sup>42</sup> It was the king who gave the nobles and honored serfs

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<sup>39</sup> C. L. Bragg, *Crescent Moon Over Carolina*, 23; “No. 891. An Act To Enforce A Due Subordination And Observance Of Military Discipline Among The Forces Employed In The Service Of This Province,” in *The Statutes at Large of South Carolina: Acts from 1752 to 1786*, 104-106.

<sup>40</sup> Marjoleine Kars, *Breaking Loose Together*; *ibid*; Patrick S. Brady, “The Slave Trade and Sectionalism in South Carolina, 1787-1808,” *The Journal of Southern History* 38, no. 4 (1972): 601–20, <https://doi.org/10.2307/2206151>; Rachel N. Klein, “Ordering the Backcountry: The South Carolina Regulation,” *The William and Mary Quarterly* 38, no. 4 (1981): 661–80, <https://doi.org/10.2307/1918909>; Sarah Sadlier, “Prelude to the American Revolution? The War of Regulation: A Revolutionary Reaction for Reform,” 97–126; Alan D. Watson, “The Origin of the Regulation in North Carolina,” *The Mississippi Quarterly* 47, no. 4 (1994): 567–98, <http://www.jstor.org/stable/45237209>; William A. Link, *North Carolina: Change and Tradition*, 117-122; Weir, *Colonial South Carolina*, 282, 308.

<sup>41</sup> C. L. Bragg, *Crescent Moon*, 23-25, 59.

<sup>42</sup> J.R. Maddicott, “The Oath of Marlborough, 1209: Fear, Government, and Popular Allegiance in the Reign of King John,” *The English Historical Review* 126, no. 519 (2011): 281-318,



(*honorati*), who became vassals the ability to have horses, bear arms such as the lance, sword and shield and to hold office. In repayment those who swore fealty for these honors were to render aid to the king.<sup>43</sup> By the eighteenth century many of the colonies in North America required its citizens to swear oaths of allegiance to the king of England, later Great Britain. In the specific examples of the Carolinas and Georgia charters required military service.<sup>44</sup> This implies that there was a feudal system in place in the colonies. The oaths of allegiance really just affirmed that the colonists were British subjects. In the context of the eighteenth century, oaths of allegiance in colonial charters affirmed British citizenship but were very similar to the feudal oaths of fealty given by knights to the nobility. Even though the feudal society had been technically dissolved in Europe in practice it was very much alive in all but name.

Historical precedent had already occurred setting the stage for rebellion against the Parliament and monarch. Oaths of fealty, obligations of citizenship, and other sociopolitical commitments tying the colonists to Great Britain were undermined when King George III and Parliament failed to uphold their contractual duty which ultimately was to be a protector or defender of the realm. A primary duty of the monarch and the government was to act in accordance the law for the good of the people with their agreement. The King had no authority without the support of the people and the people had the power to check the power of the

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<https://www.jstor.org/stable/41238641>; Carl Stephenson, "The Origin and Significance of Feudalism," *The American Historical Review* 46, no. 4 (1941): 802, 804, <https://www.jstor.org/stable/1841824>.

<sup>43</sup> Stephenson, "The Origin and Significance of Feudalism," 804; François Louis Ganshof, *Feudalism* (London: Longmans, Green, 1952), 155; James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Va, by the University of North Carolina Press, 2014): 3-4, 30-32, 52-54, 302-304.

<sup>44</sup> Ibid; Brad Hinshelwood, "The Carolinian Context of John Locke's Theory of Slavery," *Political Theory* 41, no. 4 (2013): 568, <http://www.jstor.org/stable/23484595>; Kettner, *ibid*.

government officials or form their own government.<sup>45</sup> Self-governance was familiar to colonists. The actions of the monarch and Parliament during the various French and Indian wars, the Regulator Movement, and afterwards were not for the good of the colonies nor were the actions after the conflicts agreed upon between the colonists and the government. The rebellion later called the War of Independence, was justified by the colonists. Not unlike the baron's rebellion against King John in the thirteenth century.

Philosophers, political commentators and religious leaders all utilized the power of print. Books, newspapers, and pamphlets were vehicles of information through which the colonial population received an informative glance into what was occurring locally, regionally, in other colonies, and in England. Speeches and sermons, which would have only been heard in other colonial areas like Boston or Virginia were published in their local newspapers and republished in those of the Carolinas and Georgia. Published sermons were also available for consumption as advertised to subscribers in the *South Carolina* and *Charleston Gazette*.<sup>46</sup> Political and military movements were reported upon from other colonies as was the early avocations for boycotting British imports and goods. However, due in part to time and lack of preservation of material some of these sources are not widely available or in existence today. Some books for instance such as those written by Reverend Panting of South Carolina are not to be found.<sup>47</sup> What the available printed sources demonstrate about the positions of North Carolina, South Carolina, and

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<sup>45</sup> Ibid.

<sup>46</sup> J. Whitmarsh, "From the *Barbados Mercury*," *The South Carolina Gazette*, December 3, 1764, Charles-Town, accessed February 20, 2024, *Accessible Archives*; J. Whitmarsh, "On Patriotism," *Supplement to the South Carolina Gazette*, November 29, 1774, Charles-Town, *Accessible Archives*, accessed February 23, 2024.

<sup>47</sup> J. Whitmarsh, "New Advertisements: Speedily will be Published, PROPOSALS. For Printing by SUBSCRIPTION," *The South Carolina Gazette*, November 14, 1771, *Accessible Archives*.

Georgia in the years leading up to and during the American War of Independence is quite remarkable to the correlation between religious philosophies towards the developing ideology and the involvement of women.

By utilizing printed media as a means to convey news and persuade colonial public towards one side or the other both religious leaders and politicians were utilizing the “template” set forth by Reverend George Whitefield.<sup>48</sup> These printed media also demonstrate that there was more to the ignition of the conflict than previously thought. Contributions to the initiation of the American War of Independence did not originate only with the actions of the British Parliament in response to their involvement in military conflicts. By having a fragmented religious population in need of a unifying concept, British society and government hastened the coming of the colonial rebellion. Since the time of the Tudor dynasty there had been a separation between Catholics and English Protestants, Anglicans. There were persecutions on both sides of the spectrum. During the Glorious Revolution it was decided that England would not have a Catholic monarch. Catholicism though very similar to Anglicanism, was not trusted.<sup>49</sup> In the colonies there were various groups of dissenters who practiced various denominations of Christianity. Some colonies were predominantly Puritan, Presbyterian, Anglican, even Catholic.<sup>50</sup> The fractured nature of the religion in the British population and focus on revival led to mistrust of

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<sup>48</sup> Jerome Dean Mahaffey, *The Accidental Revolutionary: George Whitefield and the Creation of America* (Waco, Tex: Baylor University Press, 2011), xi.

<sup>49</sup> Kidd, *America's Religious History*, 46; George Clark and J.S. Bromley, eds., *The New Cambridge Modern History, Vol. VI: The Rise of Britain and Russia, 1688-1725* (Cambridge University Press, 1971), 252-253.

<sup>50</sup> Kidd, *America's Religious History*, 46-49.

the actions of Parliament and the church as the British monarch is the head of the Church of England.

The catalyst for the religious mistrust was the implementation of the Quebec Act of 1775. This act, along with the prospect of the establishment of an Anglican Bishop in the colonies, alarmed many colonists despite the localized implementation. The allowance of open practice of Catholicism in the colonies provided a correlation between arbitrary power and religious conspiracy. These fears ran throughout all the colonies heightening resistance to Catholicism and increased presence of Anglican control which would to the minds of the colonists deprive Americans of freedom because both Catholicism and monarchy placed too much power in an individual.<sup>51</sup> This is suggestive of a correlation between an early derisiveness for government interference in religion and vice versa. It is also demonstrative of the fact that people were mistrustful of a tyrannical government power, by which too much authority was placed in the hands of one person or group.

George Whitefield was a significant figure during the time of the Great Awakening. In the colony of Georgia, to the whole of America, this significance was amplified. A great debt is owed to George Whitefield according to Jerome Dean Mahaffey in the biographical work, *The Accidental Revolutionary: George Whitefield & The Creation Of America* and *Preaching Politics: The Religious Rhetoric Of George Whitefield And The Founding Of A New Nation*. “Without Whitefield,” claims Mahaffey, “American independence would have come much later, if at all.”<sup>52</sup> The ways in which Whitefield laid out his arguments during the Great Awakening,

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<sup>51</sup> Thomas S. Kidd, *America's Religious History*, 51-53.

<sup>52</sup> Jerome Dean Mahaffey, *The Accidental Revolutionary: George Whitefield & The Creation Of America*, xi.

defending the religious revivals taking place provided a “template” that was undeniably logical and that which was employed by Patriot leaders to defend the revolutionary actions.<sup>53</sup> Whitefield preached a simple Christian message and traveled extensively to support religious revivals. In the mid-1700s, Great Britain advocated for toleration only in the state sponsored church, the Anglican church. All other denominations were considered other or disloyal. Whitefield’s focus on an individual’s personal relationship with God and belief that people were capable, without sin, of independent thought in secular aspects of life was a unifying force.

It was a logical argument which was spread widely during the time of the Great Awakening which coincided with the Enlightenment. If religious independence from England could be achieved so too could political and economic independence given the tensions present in the colonies.<sup>54</sup> Whitefield and Jonathan Edwards message about a new birth was extremely appealing to the colonial populace.<sup>55</sup> The premise of this argument was that not only could there be a new birth in religious faith but there could be a new birth in government separate from Britain. The Great Awakening may not have been the core cause of the American War of Independence, and neither was the ideals set forth by the Enlightenment era, but they did have a hand in invigorating the stances of Patriots and Loyalist in the conflict. Both the Great Awakening and the Enlightenment provided people with the ability to better rationalize their actions in terms of their politics and their religion.

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<sup>53</sup> Jerome Dean Mahaffey, *The Accidental Revolutionary: George Whitefield & The Creation Of America*, xi, 145-146.

<sup>54</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution*, Fiftieth anniversary ed. (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2017), 259, 297, 299-301.

<sup>55</sup> Thomas S. Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010): 21-22.

Reverend George Whitefield's evangelical approach to religion reached thousands of colonists, both free and enslaved, man and women. George Whitefield lived from 1714 to 1770. He was very active in the Great Awakening era, by traveling extensively in the Americas and even setting up Bathsheba in Georgia. Traveling extensively and spreading the word of God through his revivals was one way that George Whitefield connected to colonist in the Americas. George Whitefield was very much a performer. People would be in enthralled by his passion at the revivals.<sup>56</sup> However, George Whitefield was also known to visit individual families in addition to being in large groups of people. The establishment of the self-sustaining orphanage in Georgia was it means to continue his activities in reviving the Anglican faith. By chartering the orphanage as self-sustaining he also adhered to the colonial charter, but he was also known to provide a religious education to the boys residing there and to ensure that they had an industrious education.<sup>57</sup> The revivals in which he presided over had a resonating impact on the founding generation. Whitefield in particular was significant in that he promoted unity of Christian denominations by advancing the belief in salvation of sinners through Christ and evangelical practices.<sup>58</sup> Men and women were preached to by Whitefield in the same sermons. Slaves were also among his congregational gatherings. These sermons reached people like John Marrant, David George, and David Margett. All of whom were people of color and influential in some way to the War of Independence. Whitefield preached to people's souls and to their heads.

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<sup>56</sup> Thomas S. Kidd, *George Whitefield: America's Spiritual Founding Father* (New Haven: Yale University Press, 2014), 13.

<sup>57</sup> Ralph Betts Flanders, *Plantation Slavery in Georgia* (Chapel Hill: University of North Carolina Press, 1933), 6-7; Harold E. Davis, *The Fledgling Province: Social and Cultural Life in Colonial Georgia, 1733-1776* (The University of North Carolina Press, 2012), 73-74.

<sup>58</sup> Lee Gatiss, ed., *The Sermons of George Whitefield*, vol. 2 (Wheaton, IL: Crossway, 2012): 166-167.

The practice of Whitefield in sermons was not unique to him. In the colonial era attending sermons was a religious, social, and educational event for most. Sermons often incorporated classical elements as well as current events to make religion relative to the people. Thus, attendees were guaranteed an education into the past and given information as to the world events. However, these sermons also functioned as vehicles for the opinions of their preachers.<sup>59</sup> Hugh Alison and John Zubly are prime examples of revolutionary religious leaders in the Carolinas and Georgia using their status at the pulpits to espouse their opinions of the colonists and British actions in the late eighteenth century.

It is difficult to ascertain an accurate perception of the ideology supported by specific leaders of religious denominations in the Carolinas and Georgia in relation to their position to the military conflict. As people rarely went to church regularly and there was a much smaller population in comparison to today, sermons may not have survived individual positions are almost impossible to determine. However, as the works of Charles Woodmason, John Zubly, Hugh Alison, Samuel Davies, John Wesley, and George Whitefield or their influence did survive through sermons or publications some inference may be made. Like all colonists, religious leaders also took sides. Some were Loyalist and other Patriots. Some just inspired look the Loyalist and Patriots. George Whitefield died five years before the onset of the war, but it is argued that he provided the template for revolutionary rhetoric even in Georgia. Hugh Allison who preached at St. John's island infused his sermon with words like liberty, freedom, and rights.

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<sup>59</sup> Charles Woodmason and Richard J. Hooker, ed., *The Carolina Backcountry on the Eve of the Revolution: The Journal and Other Writings of Charles Woodmason, Anglican Itinerant* (University of North Carolina Press, 1953), [http://www.jstor.org/stable/10.5149/9781469600024\\_woodmason](http://www.jstor.org/stable/10.5149/9781469600024_woodmason); Bailyn, *Ideological Origins*, 169; Jack Shuler, *Calling Out Liberty the Stono Slave Rebellion and the Universal Struggle for Human Rights* (Jackson: University Press of Mississippi, 2009), 89-90.

Charles Woodmason was an Englishman and Anglican minister located in South Carolina. He was born in England, where his family was likely part of the gentry.<sup>60</sup> He originally immigrated to the low country, around the Georgetown and Charleston areas. It was only ten years later that he traveled to the South Carolina Backcountry. From his journals and writings by Thomas S. Kidd it is evident that Charles Woodmason did not have a positive perspective of the people in the Backcountry.<sup>61</sup> In 1767, when Charles Woodmason traveled to the South Carolina backcountry he found it “eaten up with itinerant teachers, preachers, and impostors.” The group included many Baptist and Presbyterians and other evangelical missionaries. Woodmason believed that this conglomeration of dates and the fact that the Backcountry had little to no experience with formal Christian education would leave it to spiritual manipulation.<sup>62</sup> As these groups were also known to be quite fervent in their preaching and their dispensation of beliefs regarding politics, it is not a far reaching inference to be made that Woodmason believe that that the backcountry was rife with democratic dialogue. In many ways Woodmason was correct. Presbyterians and Baptists, most religious denominations not designated as Anglican were patriotic in their political alliance. Many Patriots did originate from the backcountry.

Like political theorist and commentators, there were many religious leaders that commented on politics of the eighteenth century. John Allen espoused ideas which were very

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<sup>60</sup> D. Andrew Johnson, “THE REGULATION RECONSIDERED: SHARED GRIEVANCES IN THE COLONIAL CAROLINAS,” *The South Carolina Historical Magazine* 114, no. 2 (2013): 132, <http://www.jstor.org/stable/23645468>.

<sup>61</sup> Thomas S. Kidd, *America's Religious History*, 32-33; Marjoleine Kars, *Breaking Loose Together*, 90-91.

<sup>62</sup> Kidd, *ibid.*



similar to John Locke and even Robert Molesworth.<sup>63</sup> Although John Allen identified as “a British Bostonian” in the *Massachusetts Gazette* and the *Boston Weekly Newsletter*, was an immigrant from Britain and primarily preached at Baptist churches in Massachusetts, his sermons did make their way into the Carolinas.<sup>64</sup> His invitation to preach at these churches was controversial even in the colonies due to his dubious past with the British authorities. Allen had been imprisoned for debt and tried for forgery of a promissory note, both actions were considered unbecoming of a clergyman.<sup>65</sup> This experience also may have influenced John Allen’s perception of the British Admiralty courts and politics. He could not be said to have been a man that was unbiased, and it shows in his publications of his oration and the number of editions that he made in such a short time frame that made several changes in response to criticisms of the common public. One edition, of which there were at least five known, was published and sold in Wilmington, North Carolina in 1773 to 1774.<sup>66</sup> John Allen’s oration, *An Oration, Upon The Beauties Of Liberty Or The Essential Rights Of Americans* given in the December of 1772 criticized the British for not being righteous and infringing upon the rights of Americans. In this oration he questions the British rights to impose their laws on the colonies as they had not been

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<sup>63</sup> G. Jack Gravlee and James R. Irvine, eds., *Pamphlets and the American Revolution: Rhetoric, Politics, Literature, and Popular Press* (N.Y.: Scholars Facsimiles & Reprints, 1976): 299-302; Bailyn, *Ideological Origins*, 18-19.

<sup>64</sup> *The Massachusetts spy, or, Thomas's Boston journal*. [volume] (Boston [Mass.]), 10 Dec. 1772, *Chronicling America: Historic American Newspapers*, Lib. of Congress. <https://chroniclingamerica.loc.gov/lccn/sn83021194/1772-12-10/ed-1/seq-4/>.

<sup>65</sup> Gravlee and Irvine, *Pamphlets and the American Revolution*, 299; John Allen, *THE TRIAL OF THE REVEREND JOHN ALLEN, Taken exact from the Proceedings on the KING's Commission of the Peace, Oyer and Terminer, and Goal-Delivery for the City of LONDON. Held at JUSTICE-HALL in the OLD-BAILEY, On Thursday the 12<sup>th</sup>, Friday the 13<sup>th</sup>, Saturday the 14<sup>th</sup>, Monday the 16<sup>th</sup>, and Tuesday the 17<sup>th</sup> of JANUARY, 1769* (Boston: Kneeland and Davis, 1773), <http://quod.lib.umich.edu/cgi/t/text/text-idx?c=evans;idno=N10277.0001.001>.

<sup>66</sup> Gravlee and Irvine, *Pamphlets and the American Revolution*, 299.

conquered.<sup>67</sup> His work makes some very valid points regarding the overzealousness which the king has over applied his power in the colonies, however his argument is also superficial. He catered to the popular colonial thinking by arguing the injustice of trial by jury or lack thereof.

The Vice Admiralty courts were convenient venues of justice in colonial America. However, justice was usually swayed in the favor of the prosecution. This was because there was no jury, only a judge. The right to a trial by jury had been a right to English citizens since the thirteenth century. Although the Magna Carta guaranteed the rights of the nobility against a tyrannical king, the rights of English citizens had been further guaranteed by later documents such as the English Bill of Rights. It was popular opinion in colonial America that because they were English citizens that they should have the same rights as those in England.

The oration was centered upon the Vice Admiralty courts which were meant to be expedient and did not require a jury. The stance here would then be that these courts violated the colonists right to trial by jury of their peers as guaranteed in ancient English legal traditions set forth in the Magna Carta and even the English Bill of Rights.<sup>68</sup> Clause 39 of the Magna Carta does state that “No freeman shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his

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<sup>67</sup> John Allen, *An Oration, Upon The Beauties Of Liberty, Or The Essential Rights Of The Americans. Delivered At The Second Baptist-Church In Boston. Upon The Last Annual Thanksgiving. Humbly Dedicated To The Right-Honourable The Earl Of Dartmouth: Published By The Request Of Many* (Boston: Printed and sold by D. Kneeland, and N. Davis, in Queen-Street., 1773).

<sup>68</sup> Peter J. Galie, Christopher Bopst, and Bethany Kirschner, *Bills of Rights before the Bill of Rights: Early State Constitutions and the American Tradition of Rights, 1776-1790* (Cham, Switzerland: Palgrave Macmillan, 2020), 14, 23; Donald S. Lutz, ed., *Colonial Origins of the American Constitution: A Documentary History* (Indianapolis: Liberty Fund, 1998), 258.

peers or by the law of the land.”<sup>69</sup> The English Bill of Rights confirmed the right to trial by jury and further provided for the rights of the accused.<sup>70</sup> The justifications behind these courts was that the juries would not bring in verdicts against fellow colonists on charges of violating trade or revenue laws, that they would be favorable towards their friends, however a single judge would not be. In the 1760s this position was not unfavorable to colonists because Britain did not enforce trade laws. There were laws in place, but they were not enforced. In the colonies there was a network of smuggling and an inner trading system which the colonist operated almost independently of Britain. However, in 1763 Great Britain began to strictly enforce trade laws, the Navigation Acts, including the revenue provisions which allowed for tensions to rise in the American colonies. It should be noted that trade laws, specifically the Navigation Acts, were not a new concept to the colonists. These Acts were originally implemented in 1651 as a means to promote English trade and prevent the Dutch from importing goods from Asia, Africa, or America to England or any of its colonies.<sup>71</sup> The Admiralty courts were more favorable to prosecution than they were to defense. There was a sense of expediency in trials, there was an abundance of judges but because juries were not convened it meant that the trials were also swiftly conducted and often went in the way of the prosecution which would mean a greater profit for the crown.

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<sup>69</sup> Magna Carta, 1215, Constitution Society, <http://www.constitution.org/eng/magnacar.htm>, 39; William Blackstone, *Commentaries on the Laws of England* (Chicago: University of Chicago Press, 1979), 126, 290, 393, 399-400, 404.

<sup>70</sup> Peter J. Galie, Christopher Bopst, and Bethany Kirschner, *Bills of Rights before the Bill of Rights: Early State Constitutions and the American Tradition of Rights, 1776-1790*, 14, 23; Donald S. Lutz, ed., *Colonial Origins of the American Constitution*, 258.

<sup>71</sup> Weir, *Colonial South Carolina: A History*, 48; Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 1999), 47-49.

John Allen did not advocate for the dissolution of the monarchy. He in no way advocates for the execution of King George in his oration. His oration does broach the topic of the king having arbitrary power and the colonies having substantial governing capabilities. Therefore, Alan is still advancing the idea that British colonies were English but that they were uniquely American. They were uniquely American in that they were capable of self-governing and that because the king had used his power arbitrarily and therefore undermining his own authority to reign, The denial of Parliament and the monarch in allowing for a colonial representative was breaking of the tradition on the British side. He is justifying colonial actions.

John Allen, though he was not as influential as Tom Paine, did facilitate the religious rhetoric in support of the conflict in the Carolinas and Georgia. By having had his Oration published in Wilmington, in an area that would become a hub of trade and so close to Charles Town, South Carolina, it is a logical conclusion that Allen's work did influence people in North Carolina and South Carolina. Given that South Carolina traded a great deal with Georgia, it is also logical that his work may have been known in Georgia. Hugh Alison in his sermon also utilized similar syntax and logic. Hugh Alison delivered his sermon on James Island in the December of 1769 in the wake of various resolutions. His sermon was dedicated to the avocation of liberty in the colonies. He was very forthright in the opening of his sermon:

Liberty in general, I understand the Right every man has to pursue the natural, reasonable and religious dictates of his own mind; to enjoy the fruits of his own labour, art and industry; to work for his own profit and pleasure, and not for others, who live in idleness, and would riot in luxury, rapine and oppression. In short, liberty is to live upon one's own terms; and whenever this is lost or invaded, labour and industry will inevitably languish; life grows precarious, always miserable, and oftentimes intolerable. Slavery, on the other hand, is to live at the mere mercy and caprice of another; and a life of slavery must be a continual state of uncertainty and wretchedness; often an apprehension of violence; often the lingering dread of a premature death; and hence in most heroick souls, the love of liberty is superiour to the love of life...Never was a nation so degenerate or regardless of their rights, as tamely to suffer the loss of natural liberty and the exercise of unlimited

power. People must be deceived and frightened before they will become slaves. And thus, by the engines of violence and delusion, have wicked and ambitious men extinguished liberty in almost every country except Great-Britain and her American colonies. And here too, by the same fatal means, it must presently expire, unless a sovereign remedy be suddenly applied: The symptoms are many and dangerous, and its groans are continually echoing from shore to shore.<sup>72</sup>

Given the timing of this speech it is evident that Hugh Alison was decrying the British Parliament in their implementation of the Townsend Acts and all of the other acts that came before. The sermon continues from its opening to demonstrate that the Americans went through all the proper channels to assert their rights as Englishmen. They petitioned the King relatively peacefully in comparison to other colonies.<sup>73</sup> In Boston, the protest was actually quite violent compared to that of the Carolinas and Georgia. The mob mentality that developed in Massachusetts in relation to the colonial unrest in response to the Stamp Act and the Townshend Acts resulted in martyrdom of Crispus Attucks.<sup>74</sup> In the Carolinas, the protests did result in property damage but there were not any reports of death. They were very civilized in doing so, but all of their protestations were ignored. The consequence of the King's inattention and neglect towards the American British colonials it would have been disastrous. Therefore, it was justifiable that Americans protect their natural liberties. In the biblical sense it was even justified using the words of God in that if the colonials did not protect their liberties, they would indeed

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<sup>72</sup> Hugh Alison, *Spiritual Liberty: A Sermon, Delivered At James-Island, In South-Carolina, October, The 9th, 1769; In Consequence Of The Late Resolutions* (Charlestown [S.C.]: Printed by David Bruce for the author, 1769).

<sup>73</sup> Piecuch, *Three Peoples, One King: Loyalists, Indians, and Slaves in the American Revolutionary South, 1775-1782*, 28.

<sup>74</sup> Massachusetts Superior Court of Judicature, *The Trial of William Wemms, James Hartegan, William M'Cauley, Hugh White, Matthew Killroy, William Warren, John Carrol, and Hugh Montgomery, soldiers in His Majesty's 29th Regiment of Foot, for the murder of Crispus Attucks, Samuel Gray, Samuel Maverick, James Caldwell, and Patrick Carr, on Monday-evening, the 5th of March, 1867 at the Superior Court of Judicature, Court of Assize, and General Goal Delivery, held at Boston, the 27th day of November, 1770, by adjournment, before the Hon. Benjamin Lynde, John Cushing, Peter Oliver, and Chris Metzler, Esquires, justices of said court* (Boston: J. Fleeming, 1770).

become slaves.<sup>75</sup> It was in this way that there was a correlation between religious and even political philosophy.

Hugh Alison was not the only clergyman to support the War of Independence. However, he was not the only clergyman from South Carolina or around the region to support the war on the side of the Patriots from the pulpit. Reverend Oliver Hart born in Warminster, Pennsylvania, on July 5, 1723, and died in Hopewell, New Jersey, December 31, 1795 was a prominent figure in South Carolina's religious atmosphere during the conflict of the War of Independence from Britain. Oliver Hart was a product of the Great Awakening and even an acolyte of George Whitefield. Although he was not born in South Carolina, he was a leader of the Baptist Church in Charleston for a time.<sup>76</sup> He was a Baptist who, like all clergymen aligned with the Patriot cause, championed the notion of liberty. In the journal notes held by the University of South Carolina written in Oliver Hart's own hand the exact biblical scriptures with which he gave sermons. For example, is in his own admission that he on July 8<sup>th</sup>, 1781 he gave two sermons based on the book of John chapter 5, verse 25.<sup>77</sup> John 5: 25 states:

Verily, verily, I say unto you With the same asseveration as before, and for the further illustration and confirmation of the same thing, occasioned by the last clause of the preceding verse, as well as improving upon the argument in (John 5:21) for his equality with the Father, which he is still pursuing...And by "the voice" of Christ is intended his Gospel, which is a voice of love, grace, and mercy, of life and liberty, of peace, pardon, righteousness, and salvation by him; and which being attended with his power, is the means of quickening dead sinners; who may be said to hear it, when it comes not in word only, but in power, and works effectually in them; and is spirit and life, and the power of God unto salvation to them; when they receive it, understand, believe, and obey it: and such

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<sup>75</sup> Ibid.

<sup>76</sup> Eric C. Smith and Thomas S. Kidd, *Order & Ardor: The Revival Spirituality of Oliver Hart & the Regular Baptists in Eighteenth-Century South Carolina*, 1st ed. (Columbia, South Carolina: University of South Carolina Press, 2018), 12.

<sup>77</sup> Oliver Hart, "Sermon Register, 1781-1782, page 2," Oliver Hart papers, 1741-1961, University of South Carolina. South Caroliniana Library, <https://digital.library.sc.edu/collections/oliver-hart-papers-1741-1961/>.

persons "shall live"; comfortably, pleasantly, and delightfully, a life of faith on Christ, a life of communion with him, and shall live eternally with him hereafter.<sup>78</sup>

In Oliver Hart's interpretation of this God is ultimately extending salvation to all of humanity. Not just white people. Not just free white people. All of humanity is included in this verse. There was a spiritual equality. In that equality liberty was also included. With this interpretation and due to the Baptist doctrine of salvation through the acceptance of the Lord through proclamation, it meant that all of humanity was equal before the eyes of God and to live in such way was to have equal amount of liberty. Many Baptist claimed that religious salvation was in the minds of people of color.<sup>79</sup> The degree to which Reverend Furman intended this claim is uncertain. However, it is accurate to state that religious conversion has historically been utilized as a method of assimilation and liberation. Oliver Hart, with sermons such as these demonstrated that he was a proponent of equality and freedom for all, that he was against slavery. This in itself is a revolutionary concept for the mid to late eighteenth century. John 5:25 was not the only verse by which Oliver Hart gave sermons that had the motif of liberty, freedom, righteousness, and others by which were synonymous with the War of Independence. Oliver Hart was a fervent Patriot. However, not all religious leaders supported the Patriots actions.

It has been well known that John Zubly, the first pastor of the meeting house mentioned known as the Independent Presbyterian Church in Savannah since 1760 until his death, was at first a proponent of the Patriot cause. He became quite famous for his patriotic sermons. In 1766, when the Stamp Act was repealed, Zubly gave a sermon in Savannah, Georgia entitled "The Stamp Act Repealed." In "The Stamp Act Repealed," Zubly exalted the Patriots for their

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<sup>78</sup> John 5: 25.

<sup>79</sup> Leah Townsend, *South Carolina Baptists, 1670-1805* (United States: Genealogical Publishing Company, 1974), 27.

behavior. He praised them for acting in a Christian manner. They submitted a petition before the king and then they protested. They did not resort to violence.<sup>80</sup> Zubly was not a proponent of violence and he was not advocating for separation from Britain.<sup>81</sup> Like many other early revolutionaries, particularly religious leaders, he did not favor separating from the monarchy. He initially believed that direct democracy would lead to factionalism and mob rule.<sup>82</sup> This would later be an issue debated by the federalists and anti-federalists. He seems to have been a patriotic pacifist rather than a Loyalist. One such sermon was given after a meeting of Georgia's Provincial Congress on July 4<sup>th</sup>, 1775, entitled "The Law Of Liberty." Zubly also published a pamphlet entitled *A Humble Inquiry*.<sup>83</sup> Jim Schmidt in "The Reverend John Joachim Zubly's "The Law Of Liberty" Sermon: Calvinist Opposition To The American Revolution," provides an adequate summarization of the contents of the pamphlet:

*An Humble Inquiry* was a masterful work of logic in which Zubly clarified and explained the relationships among laws, legislative bodies, and the people. In it, he addressed issues dealing with the nature of constitutions and free governments including a refutation of the concept of virtual representation, it distinguishing of legislature from constitution, and early refutation of the assertion that Parliament is sovereign and supreme in every respect whatsoever.<sup>84</sup>

The "Law of Liberty" sermon given in 1775 at the opening of the Provincial Congress of Georgia in Savannah is a highly complex sermon. What is striking about this sermon though is

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<sup>80</sup> Jim Schmidt, "The Reverend John Joachim Zubly's 'The Law of Liberty' Sermon: Calvinist Opposition to the American Revolution," *The Georgia Historical Quarterly* 82, no. 2 (1998): 363-364, <http://www.jstor.org/stable/40584058>.

<sup>81</sup> King, "Georgia and the American Revolution," 47.

<sup>82</sup> Joel A. Nichols, "A Man True to His Principles: John Joachim Zubly and Calvinism," *Journal of Church and State* 43, no. 2 (2001): 306-307, <http://www.jstor.org/stable/23921343>.

<sup>83</sup> Alan D. Candler, ed., *The Revolutionary Records of the State of Georgia*, 3 vols. (1908), I:231.

<sup>84</sup> Jim Schmidt, "The Reverend John Joachim Zubly's "The Law of Liberty" Sermon: Calvinist Opposition to the American Revolution," 352; Bernard Bailyn, *Pamphlets of the American Revolution, 1750-1776* (Cambridge: Belknap Press of Harvard University Press, 1965), 95, 103, 125-130.



that Zubly gives nuance to the social and legal issues of that time. In “The Law of Liberty” sermon Zubly states:

All laws usually where the complexion of those by whom they were made; But it cannot be denied that some bad men, from a sense of necessity, have made good laws; And that some good men, from mistake, or other weaknesses, have enacted laws bad in themselves, and pernicious in their consequences. All human laws partake of human imperfection.<sup>85</sup>

This sermon can be deconstructed in several different ways. But from this one passage it is very clear that what Zubly is trying to convey is that humans are imperfect. By that very nature even their laws are always going to be imperfect and therefore going to demonstrate those imperfections. Some laws though the intent was to raise revenue or to consolidate wealth and power in a particular group of people also gave power to those who had previously been disenfranchised. There had already been an example of this by the 1770s. In the English legal history regarding inheritance and property rights, women would not have had the right to inherit property, to be protected from unwanted marriages even, without the enforcement of the clauses of the Magna Carta, which were still in force in the colonies.<sup>86</sup> They were imperfect, but they were born of necessity and allowed for the growth of liberty and freedom for women. This argument may not have been the intent of the reverend but the same logic applies.

What Zubly was trying to convey in this sermon was that people had to behave in a Christian manner in order to act justly. They also had to think and behave rationally. If they did not they would bring calamity into society. To behave as sinfully was to be unjust and to be

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<sup>85</sup> John Zubly, *The Law Of Liberty. A Sermon On American Affairs, Preached At The Opening Of The Provincial Congress Of Georgia. Addressed To The Right Honourable The Earl Of Dartmouth: With An Appendix, Giving A Concise Account Of The Struggles Of Swisserland [Sic] To Recover Their Liberty* (Georgia. Provincial Congress; Philadelphia: Printed and sold by Henry Miller. 1775. Also to be had of Messieurs Bradfords, in Philadelphia; Noel and Hazard, at New-York; William Scott, on the bay, in Charles-Town, South-Carolina; and at Mr. Bard's store, at Savannah, Georgia., [1775]), 4; Schmidt, “The Reverend John Joachim Zubly,” *ibid.*

<sup>86</sup> Zubly, *Law of Liberty*, 4.

sinful. He could not support such behavior. In this sermon he was trying to reestablish the lessons that he had conveyed in his sermon “The Stamp Act Repealed.”<sup>87</sup> If the colonists could act with wisdom and broach the subject with rationality and morality then they would be successful and justified in their conduct. In fact it was at the Continental Congress, where Zubly was a delegate that he recognized that they were quickly gearing up for an offensive military war rather than a defensive action. Zubly remarked that “a republican government is little better than a government of devils.”<sup>88</sup> Within the span of a couple of months, Zubly went from being a supporter of the Patriot cause to being a Loyalist. The reasons for his seeming turn of loyalty cannot be truly ascertained at this time. However, it is evident that he was at first unquestionably devoted to the notions presented by the Patriots that their rights have been violated. From the comments made by John Adams to his wife Abigail, it quickly became apparent that although Zubly’s zealotry and criticisms were initially welcomed, his lack of support for independence based on religion was seen as detrimental to the Patriot cause. John Adams remarked to his wife:

Gentleman of the Cloth who has appeared in Congress, I cannot but wish he may be the last. Mixing the sacred Character, with that of the Statesman, as it is quite unnecessary at this Time of day, in these Colonies, is not attended with any good Effects. The Clergy are universally too little acquainted with the World, and the Modes of Business, to engage in civil affairs with any Advantage. Besides those of them, who are really Men of Learning,

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<sup>87</sup> John Zubly, *The Stamp-Act repealed. A sermon, preached in the meeting at Savannah in Georgia, June 25th, 1766* (Charleston, S.C.: Georgia printed, South-Carolina, reprinted by Peter Timothy. 1766); Schmidt, “The Reverend John Joachim Zubly’s “The Law of Liberty” Sermon: Calvinist Opposition to the American Revolution,” 350, 352-353; Joel A. Nichols, “A Man True to His Principles: John Joachim Zubly and Calvinism,” 306-307.

<sup>88</sup> Nathan R. Perl-Rosenthal, “The ‘Divine Right of Republics’: Hebraic Republicanism and the Debate over Kingless Government in Revolutionary America,” *The William and Mary Quarterly* 66, no. 3 (2009): 535, <http://www.jstor.org/stable/40467522>; Alexander A. Lawrence, *Storm over Savannah The Story of Count d’Estaing and the Siege of the Town in 1779* (Athens: The University of Georgia Press, 2021), 44.

have conversed with Books so much more than Men, as to be too much loaded with Vanity, to be good Politicians.<sup>89</sup>

This letter and its contents demonstrates that the thoughts of the founding generation regarding the inclusion of religion and politics was not favorable. This was also reflected in how, depending on a particular religious leaders political leanings fell, that person was treated. Zubly, did not believe in separating from Britain because he believed that the colonies were ill prepared to take on the endeavor of a war. He lacked that republican virtue. By the November of that year he was firmly on the British side. After that point he began to publish articles under the pseudonym Helvetius that argued in favor of the British.<sup>90</sup> These articles stressed obedience to the Crown and urged Patriots to put down their arms. When he turned against the Patriot cause, Zubly deflected back to the British. When he deflected back to the British he became the chaplain of the provincial troops of Georgia and turned his meeting house in Savannah into a hospital for Hessian troops.<sup>91</sup> This action is very much in line with his ideals espousing loyalty and unnecessary violence. His treatment by the Patriots was less than ideal. His property was confiscated and he was forced into exile. This treatment is in line with how many Loyalists were treated by Patriot officials.

In the Carolinas and Georgia, although many did not originally desire to separate from Britain, they were more desirous of the system that was in place. Oglethorpe was known to support renewing the friendship between Britain and the American colonies. He believed that it

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<sup>89</sup> Paul H. Smith, ed., *Letters of Delegates to Congress, 1774-1789*, 23 vols. (Washington, D.C., 1977), 2: 24.

<sup>90</sup> *The Royal Georgia Gazette*, (Savannah, Ga.) 1779-1782, August 3, 1780, *Georgia Historic Newspapers*; *The Royal Georgia Gazette*, (Savannah, Ga.) 1779-1782, February 22, 1781, *Georgia Historic Newspapers*; *The Royal Georgia Gazette*, (Savannah, Ga.) 1779-1782, May 17, 1781, *Georgia Historic Newspapers*; *The Royal Georgia Gazette*, (Savannah, Ga.) 1779-1782, May 24, 1781, *Georgia Historic Newspapers*.

<sup>91</sup> Lawrence, *Storm Over Savannah*, 44.

was alarming that the French had recognized the American colonies as free states and that it was unjust to call them Americans.<sup>92</sup> This is one sentiment that was originally touted by early Loyalists. The reluctant Patriots, the so-called rice kings, controlled the provincial legislative body.<sup>93</sup> In Charleston there was a particular loyalty to Britain as the lobbyists in South Carolina had been successful in petitions which allowed for the transport of rice to Spain and other markets, bypassing the Navigation Acts in the 1730s with the Rice Act.<sup>94</sup> They were centralized in the low country where their wealth and power were. When the British exercised their power, it threatened the local ruling elite. During the course of the conflict and after its conclusion, those who had sided with the British were subject to punishment. During the conflict in South Carolina many officials were persecuted for their loyalties. Early in 1775, “Other royal officials and intrepid Loyalists were hauled before the general committee, disarmed, and confined to the city. William Wragge. His outspokenness made him dangerous, particularly in Charles Town. He was therefore ordered to be confined to his plantation near Dorchester.”<sup>95</sup> It was not uncommon for the property of Loyalists to be confiscated. Property included real estate and real property, such as slaves. There were cases where this property could be retrieved if petitioned for after the war. Many were also exiled.

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<sup>92</sup> Julie Anne Sweet, “Oglethorpe on America: Georgia’s Founder’s Thoughts on Independence,” *The Georgia Historical Quarterly* 95, no. 1 (2011): 5, 9-10, <http://www.jstor.org/stable/41304166>.

<sup>93</sup> Aaron Palmer, *A Rule of Law: Elite Political Authority and the Coming of the Revolution in the South Carolina Lowcountry, 1763-1776* (Leiden: BRILL, 2014), 227-228; David Huw, *Trade, Politics, and Revolution: South Carolina and Britain’s Atlantic Commerce, 1730-1790* (Columbia: University of South Carolina Press, 2018), 2-5, 10-11.

<sup>94</sup> David Huw, *ibid.*

<sup>95</sup> Weir, *Colonial South Carolina*, 322.

Religious leaders had a great impact on colonial society. Religion was a fundamental aspect in which everyone contributed. This was an ongoing activity throughout the colonies from before 1619. Many of the colonies had been chartered by religious groups, colonial colleges were founded by different religious denominations and were focused on the production of religious leaders. During the Great Awakening, there were revivalist movements which catered to both men and women. Women did have central roles in various religious communities, such as the Quakers and even the puritan society of New England. However there was a distinct inequality in the secular sphere of society. The ideologies espoused by various political mines and the religious leaders of the mid eighteenth century did lead to the inclusion of women. Necessity, however, is what truly allowed women to become more centralized figures in the production of the American War of Independence. Necessity is also what allowed for people of color to be enlisted in either the military forces of the Patriots or the British, not altruism.

## Chapter Five: Women in Service to Independence in the Carolinas and Georgia

Life for women in Revolutionary America continued much as it had since the colonization of the America's by the Europeans. In the Carolinas and Georgia this was especially true. By the Revolutionary Era, women in the Carolinas and Georgia had already secured a relatively independent status as participants in the economy and social arena. The Carolinas and Georgia though economically strategic outposts were vastly different to their northern counterparts. Although the North had not yet become the manufacturing centers of the nation, northern colonies were not as reliant on slave labor for economic prosperity. In the South, the production of crops and use of slave labor led to economic prosperity and wealth. Thus, there was a population discrepancy between free and those enslaved.<sup>1</sup> The markets depended upon the surplus generated through slave labor to be exported to Great Britain. Therefore there was a reliance upon this trade partnership. Because the population of free white people in the Carolinas and Georgia was substantially different compared to colonies such as New York and Philadelphia, there was a difference in how change occurred as a result of transmission of ideology and even politics. Women in the South were very different compared to those in the North. Especially if they 'ran' large plantations. What would take a day to complete laundry in the North would take at least a week in the south due to the enormity of the household.<sup>2</sup> Women were still very much the pseudo heads of household in that they managed household staff and were responsible for the bearing of children, not necessarily the rearing of them. Women were responsible for household economies and in the rare instance their own business acumen was put

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<sup>1</sup> Ryan A. (Ryan Alexander) Quintana, *Making a Slave State: Political Development in Early South Carolina* (Chapel Hill: University of North Carolina Press, 2018), 108; Mary Beth Norton, *Liberty's Daughters: The Revolutionary Experience Of American Women, 1750-1800: With A New Preface*. (Ithaca, N.Y.: Cornell University Press, 1996), 27, *Internet Archive*.

<sup>2</sup> Norton, *Liberty's Daughters*, 27-29.

to the test when they were allowed to operate their own business or temporarily handle the affairs of their husbands or fathers.<sup>3</sup> The rights of women had not changed since the colonization of the Carolinas and Georgia very much. What is known is that there were limits placed upon their rights as economic entities.<sup>4</sup> During the war, which ended in the separation of America from Great Britain and formation of a new nation, women did serve multiple functions outside of the domestic arena.

There has been much scholarship completed on the subject of women and their roles in the public and private spheres in the colonial and Revolutionary Era. The term republican motherhood is one that is familiar to academics today in relation to the Revolutionary Era. However accumulative work which details the specific actions of women from North Carolina, South Carolina, and Georgia in the time of the American War of Independence is a growing interest among scholars. Robert Dunkerly demonstrated this thoroughly in his work on women in the battlefield as did Elizabeth Ellet in the mid-1800s. Narrowly defined scopes limit academic works. Historians do not approach the topic of the how women's actions in the conflict had an influence on their inclusion as citizens in the new government.

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<sup>3</sup> Barbara B. Oberg, ed., *Women in the American Revolution: Gender, Politics, and the Domestic World* (Charlottesville: University of Virginia Press, 2019), 57; Banastre Tarleton, *A History of the Campaigns of 1780 and 1781, in the Southern Provinces of North America. By Lieutenant-Colonel Tarleton* (London: printed for T. Cadell, 1787), 89.

<sup>4</sup> Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 207; Marylynn Salmon, "Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830," *The William and Mary Quarterly* 39, no. 4 (1982): 655, <https://doi.org/10.2307/1919007>; Marylynn Salmon, "The Legal Status of Women in Early America: A Reappraisal," *Law and History Review* 1, no. 1 (1983): 129–51, <https://doi.org/10.2307/744005>; Lindsay R. Moore, *Women before the Court Law and Patriarchy in the Anglo-American World, 1600–1800* (Manchester: Manchester University Press, 2019); Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America* (Chapel Hill: Omohundro Institute of Early American History & Culture, 1980), 7, 17, 139, accessed January 29, 2024, *ProQuest Ebook Central*; Augustus Smith Clayton, ed., *A Compilation of the Laws of the State of Georgia, 1800 to 1810* (Augusta. 1812), 371, 556-557.

One woman really stands out in South Carolina history, Eliza Lucas Pinckney. She came from a well to do family, who made their wealth from agriculture and slavery.<sup>5</sup> Eliza exemplified a woman's place in colonial South Carolina. Throughout her life, Eliza demonstrated that women were responsible for taking over the responsibilities of men when they were participating in military or legal activities away from home.<sup>6</sup> In her widowhood, Pinckney controlled the indigo plantations and further increased the family fortune. In the 1740s, Pinckney started experimenting with indigo production in the Carolinas.<sup>7</sup> To increase production of her crops she insisted that slaves be moved between plantations so as to decrease the likelihood that they would form connections or become idle. The American War of Independence had a devastating impact on the indigo trade, which Eliza Lucas Pinckney was intimately involved with. She and her husband Charles Pinckney had three children Charles Cotesworth, Harriet, and Thomas. Both of the Pinckney sons were Patriots during the American War of Independence.<sup>8</sup> Prior to the conflict, Carolina indigo comprised at least a third of the indigo trade.<sup>9</sup> During the conflict, the British

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<sup>5</sup> Lorri Glover, *Eliza Lucas Pinckney: An Independent Woman in the Age of Revolution* (New Haven; Yale University Press, 2020), 9-12..

<sup>6</sup> Lorri Glover, *ibid.*, 179; Harriet Horry Ravel, *Eliza Pinckney* (New York: Charles Scribner Sons, 1896), 262.

<sup>7</sup> Lorri Glover, *Eliza Lucas Pinckney*, 57-68, 99.

<sup>8</sup> Thomas Pinckney, (1750-1828) to Eliza Lucas Pinckney, 11 June 1780, in *The Papers of Eliza Lucas Pinckney and Harriott Pinckney Horry Digital Edition*, ed. Constance Schulz (Charlottesville: University of Virginia Press, Rotunda, 2012), <http://rotunda.upress.virginia.edu/PinckneyHorry/ELP0330> (accessed 2024-06-19); Charles Cotesworth Pinckney, (1746-1825) to Eliza Lucas Pinckney, 23 November 1780, in *The Papers of Eliza Lucas Pinckney and Harriott Pinckney Horry Digital Edition*, ed. Constance Schulz (Charlottesville: University of Virginia Press, Rotunda, 2012), <http://rotunda.upress.virginia.edu/PinckneyHorry/ELP0273> (accessed 2024-06-19); Eliza Lucas Pinckney, 9 June 1776, in *The Papers of Eliza Lucas Pinckney and Harriott Pinckney Horry Digital Edition*, ed. Constance Schulz (Charlottesville: University of Virginia Press, Rotunda, 2012), <http://rotunda.upress.virginia.edu/PinckneyHorry/ELP0692> (accessed 2024-06-19).

<sup>9</sup> Andrea Feeser, *Red, White, and Black make Blue: Indigo in the Fabric of Colonial South Carolina Life*, 1st ed. (Athens, Georgia: The University of Georgia Press, 2013), 12, 35, 42; Peter McCandless, *Slavery, Disease, and Suffering in the Southern Lowcountry* (Cambridge: Cambridge University Press, 2011), 11, 41, 47, 153-158; Joyce Appleby, *Inheriting the Revolution: The First Generation of Americans* (Cambridge: Belknap Press, 2000),



burnt Eliza Pinckney fields and freed her slaves leading to a personal financial loss.<sup>10</sup> The Pinckney family under the matriarchal thumb of Eliza Lucas Pinckney supported the Patriots, despite the knowledge of high probability of financial and property loss.

Her children and their involvement with the conflict as well as the formation of the new nation are a direct result of her pursuance of republican motherhood. Republican motherhood was the idea that mothers would support the creation of a New Republic by instilling the ideas circulating the colonies in their children regardless of their previous experience and possible advantages to siding with the British.<sup>11</sup> There is no question that Eliza Pinckney was the significant figure in Carolinas history. However, despite the abundance of literature available Eliza Pinckney is not the only woman to have played a significant role in Carolinas so-called revolutionary past. An examination of different women and their actions during the military conflict demonstrates that women subtly shifted the progress of the war.

Women served both sides of the conflict. Women could be Loyalist and they could be Patriots. They served at home and they served with the armies. They helped to bolster each side in different ways. However, for the purposes of this dissertation women who advanced the Patriot cause are the focus. Women in all of the former colonies, because they were active participants in the local economies, helped to boycott the British actions in the taxation of

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21-22, 29-30; G. Terry Sharrer, "Indigo in Carolina, 1671-1796," *The South Carolina Historical Magazine* 72, no. 2 (1971): 95-97, <http://www.jstor.org/stable/27567037>.

<sup>10</sup> Harriott Pinckney Horry, 1815 Journal, 12 June 1815, in *The Papers of Eliza Lucas Pinckney and Harriott Pinckney Horry Digital Edition*, ed. Constance Schulz (Charlottesville: University of Virginia Press, Rotunda, 2012), <http://rotunda.upress.virginia.edu/PinckneyHorry/ELP1088> (accessed 2024-06-19).

<sup>11</sup> Linda K. Kerber, "The Republican Mother: Women and the Enlightenment – An American Perspective," in *Toward an Intellectual History of Women: Essays* by Linda K. Kerber (Chapel Hill: University of North Carolina Press, 1997), 43.

American colonists. They actively formed associations, formal and informal, which called for the self-restrictions on buying goods imported from Britain and even the purchases of marriage license.<sup>12</sup> Women in North Carolina were famous for inciting men to go to war simply so that they would be more highly sought after on the marriage market. At home women who were already married or in charge of larger estates managed those estates. In managing estates women contributed to local economies, supposedly supporting the Patriot cause and their families. They supported the Patriot cause because they were growing food for local militias and even passing information to the husbands in which served in the Patriot forces.

Enslaved women were also vital to this endeavor. Enslaved women on plantations were often the ones to relay information to the families that the British were coming. They even helped to rescue their masters. Enslaved women had even more to lose than enslaved men.<sup>13</sup> If they acted in direct contradiction to their owners will they risked being separated from their children. Slaves did not necessarily at because they had a duty to their masters but because there was a fear of punishment. Slaves hoped for a benevolent master who would manumit them for their service. Women on both sides did join the armies as camp followers. The term camp followers has varied meaning. The word more commonly associated with prostitution, also refer to women who accompanied the army in occupation such as cooks, nurses, laundry maids, and simply to accompany their husbands or fathers, some women even accompanied the military for the purpose of protection. Women no matter if they were at home or with the military were often

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<sup>12</sup> Linda De Pauw, *Four Traditions: Women of New York During the American Revolution*, (Albany: New York State Bicentennial Commission, 1974), 14; *New York Gazette*, December 6, 1765.

<sup>13</sup> Aaron Palmer, *A Rule of Law: Elite Political Authority and the Coming of the Revolution in the South Carolina Lowcountry, 1763-1776* (Leiden: BRILL, 2014), 139; "Fairfield Plantation Book, 1775-1794," 1775-1794, Pinckney Family Papers, 1703-1847, Lowcountry Digital Library, South Carolina Historical Society, Charleston, SC, accessed June 16, 2023, <https://lcdl.library.cofc.edu/lcdl/catalog/268036>.

in the line of sight of the opposing force. They were in danger and they knew it. The fact that they were willing to sacrifice their lives and that of their families reputation speaks to the obvious contradictory of the perception of women as of the eighteenth century. Women in the Revolutionary Era, particularly if they sided with the Patriots and participated in the rebellion by boycotting or through other methods were epitomizing a form of republican virtue.

As in the Middle Ages and Early Modern Era, women in the eighteenth century British Colonies were “viewed as inferior and hence also subordinate to men on account of their weaker minds and bodies.”<sup>14</sup> Barbara Stollberg-Rilinger, may have been referring to Maria Theresa an Austrian Hungarian monarch in her work but her assertion regarding the rights and perception of women in the mid to late eighteenth century, is applicable to women in Great Britain and the British colonies. It was a widely held perception of women. Women could inherit by the will of men. This right to property ownership was historically contributed by men to protect the rights of families with preference provided to men and to prevent monarchs from arbitrarily violating property rights or marriage rights. Women acting outside their ascribed roles was a rarity. By acting as sole heads of household, spies, and soldiers, women such as Martha Bratton, Jane Thomas, Rebecca Motte, Mammy Kate, Nancy Hart, and many others were exceptional. This exceptionalism in the Carolinas and Georgia was rewarded but not with the same rights and freedoms as men. They were heroines of the American War of Independence, but they were the exception not the rule. However their actions do demonstrate that during the American War of Independence women did have significant roles in the successes of the Patriot cause.

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<sup>14</sup> Barbara Stollberg-Rilinger, *Maria Theresa: The Habsburg Empress in Her Time* (Princeton University Press), 82; Mary Beth Norton, *Separated by Their Sex: Women in Public and Private in the Colonial Atlantic World* (Ithaca, N.Y: Cornell University Press, 2011), 15.

What is known about women from the Carolinas and Georgia during the so-called Revolutionary Era is limited in scope compared to men. Women's history from this time and before is more concentrated in what is known as great man history or even economic history and generalized military history. Although much work has been conducted on the subject of women in the time of the War of Independence has been conducted in the last half a century, previously women were essentially on the periphery of historical fact. Women from North Carolina, South Carolina and Georgia are still under represented in academic scholarship. More work and research has been completed on the wives of the first president's and military leaders, and women who came from prominent families then on women from ordinary backgrounds. Scholars such as Robert Dunkerley and Elizabeth Ellet have done much to advance the study of women in this era. As have Andrea Feeser, Barbara Oberg, and a few others concentrating on individual women.<sup>15</sup> These works have caused scholars to reevaluate the significance of women in the Carolinas and Georgia in the course of the War of Independence.

Elizabeth Ellet was among the first to compile histories of revolutionary women in her three volume work *The Women Of The American Revolution* published between 1848 and 1850.<sup>16</sup> Historian Robert M. Dunkerly in his book, *Women Of The Revolution: Bravery And Sacrifice On The Southern Battlefields*, published in 2007 focuses on the observances of women of all backgrounds, political affiliations, and occupations in a select number of battles fought in the

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<sup>15</sup> Elizabeth F. Ellet, *Women of the Revolution*, Vol. 1 & 2 (Philadelphia: George W. Jacobs & Co., 1900), Project Gutenberg; Robert M. Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields* (Charleston: History Press, 2007); Andrea Feeser, *Red, White, and Black make Blue*, 15, 45-46; Oberg, *Women in the American Revolution*, *ibid*; Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 207; Marylynn Salmon, "Women and Property," *ibid*; Marylynn Salmon, "The Legal Status of Women," *ibid*; Moore, *Women before the Court*, *ibid*; Linda K. Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America*, *ibid*.

<sup>16</sup> Elizabeth F. Ellet, *Women of the Revolution*, Vol. 1 -3 (Philadelphia: George W. Jacobs & Co., 1900), Project Gutenberg.

southern theater of the American War of Independence.<sup>17</sup> This work is far more selective than Elizabeth Ellet's, but also emphasizes the issues surrounding historical scholarship found in Ellet's work. Historian Andrea Feeser's 2013 work, *Red, White, & Black Make Blue: Indigo in the Fabric of Colonial South Carolina Life*, does not focus solely on the military conflict.<sup>18</sup> However, *Red, White, & Black Make Blue* provides valuable insight into the significance of women to the economy in the South. Specifically women were valued participants in the agricultural economy as both producers and consumers. They created the supply and the demand and therefore they were controlling agents in influencing the market. Historians Mary Beth Norton and Barbara Oberg in their respective works examine how women were impacted by the War of Independence and how they contributed to the Patriot cause.<sup>19</sup> However, these works do not concentrate solely on North Carolina, South Carolina, or Georgia. The works emphasize the struggle of colonial women in a variety of societal aspects.

One of the earliest compilations of biographical sketches of women in the War of Independence was completed by Elizabeth Ellet in 1848. As a very early work of women's history based on first and second hand sources, this work has a lot of merit, but also proves in some cases to be unreliable. The stories of the women in *Women Of The Revolution* could be reliable in that sources came from the women themselves, their stories and or documents. However, memories are not infallible nor are misinterpretations of facts.<sup>20</sup> Nevertheless, Ellet

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<sup>17</sup> Robert M. Dunkerly, *Women of the Revolution*, ibid.

<sup>18</sup> Andrea Feeser, *Red, White, and Black*, Ch. 3. .

<sup>19</sup> Mary Beth Norton, *Liberty's Daughters*, ibid; Mary Beth Norton, *Separated by Their Sex: Women in Public and Private in the Colonial Atlantic World* (Ithaca, N.Y: Cornell University Press, 2011); Oberg, ed. *Women in the American Revolution*, ibid.

<sup>20</sup> Robert M. Dunkerly, *Women of the Revolution*, ibid.

provided a more contemporary insight into the ways women participated in the War of the Revolution. Women made economic contributions, social contributions, provided medical aid, supplied food, acted as couriers, spies, soldiers, and as saboteurs.

The view of women had changed little in North Carolina, South Carolina, and Georgia since the establishment of those colonies. Positions of women in society changed since the thirteenth century nominally and that change was only initiated by men to protect their own interest. Generally, the perspective of women remained dependent on that of the opinions of men. According to one historian, men even in Georgia, husbands left their wives with an inheritance because of “custom,” which followed English common law and ecclesiastical practices.<sup>21</sup> Women’s inheritance were separate from their children, but their inheritance went to their children in their wills. It was a way of ensuring economic prosperity of the family, not the financial independence of the person. Women like Abigail Minis and Eliza Pinckney turned their inheritance into personal fortunes that were passed down to their children, male and female. Upon study of different wills from the mid-1750s to 1780s more real property was left to male heirs as opposed to females.<sup>22</sup> The implication is that the original purpose of the husband’s generosity was not for the wife’s benefit, but their male heirs. The protection of inheritance through female conveyance against stemming from the Magna Carta and English common law.<sup>23</sup>

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<sup>21</sup> Inge Dornan, “Masterful Women: Colonial Women Slaveholders in the Urban Low Country,” *Journal of American Studies* 39, no. 3 (2005): 383, <http://www.jstor.org/stable/27557690>.

<sup>22</sup> *Ibid.*, 383-402; Harold E. Davis, *The Fledgling Province: Social and Cultural Life in Colonial Georgia* (Chapel Hill: University of North Carolina Press, 1976), 161.

<sup>23</sup> Marylynn Salmon, *Women and the Law of Property in Early America*, 207; Marylynn Salmon, “Women and Property in South Carolina: The Evidence from Marriage Settlements, 1730 to 1830,” 655; Marylynn Salmon, “The Legal Status of Women in Early America: A Reappraisal,” 129–51; Moore, *Women before the Court Law and Patriarchy in the Anglo-American World, 1600–1800*, *ibid*; Kerber, *Women of the Republic: Intellect and Ideology in Revolutionary America*, *ibid*; Clayton, *A Compilation of the Laws of the State of Georgia, 1800 to 1810*, *ibid*.

Despite the reasons for women's inclusion in wills and property ownership being only for the benefit of the family they were highly visible in the Carolinas and Georgia. The visibility is most evident in their participation in the marketplace and in courts of law.

Although religious leaders such as Jonathan Edwards and John Wesley adhered to traditional views of women, that they should not be in positions of leadership, women in the southern colonies of North Carolina, South Carolina, and Georgia were highly visible members of a pre-independent society. The reasons for this are numerous and not altogether provable. However, some reasons should be considered. As the colony of South Carolina was known to have been plagued by high infant mortality and conflicts with natives and slave revolts it was important to insure the economic prosperity of the family through female inheritance and regency. There was a balanced sex ratio in North Carolina, but their laws were based on English common law, English statutes, and to some extent the legal practices of neighboring colonies, particularly Virginia.<sup>24</sup> This discrepancy in female leadership in religion can also be explained by the fractured religious practices in the colonies. As Charles Woodmason noted in his observation of the Carolina back countries ecclesiastical practices, the church leadership composed primarily of Presbyterians and other dissenters there was little formal ecclesiastical education and those leaders often promoted ideas of democracy and criticism of the Anglican church as well as the Crown.<sup>25</sup> With these observations it is not an unreasonable assumption that female participation in the church was more common in the rural areas of the Carolinas and Georgia.

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<sup>24</sup> Edward B. Rugemer, "The Development of Mastery and Race in the Comprehensive Slave Codes of the Greater Caribbean during the Seventeenth Century," *The William and Mary Quarterly* 70, No. 3 (2013): 431, accessed November 11, 2023, <https://www.jstor.org/stable/10.5309/willmaryquar.70.3.0429>.

<sup>25</sup> Thomas S. Kidd, *America's Religious History: Faith, Politics, and the Shaping of a Nation* (Grand Rapids, Michigan: Zondervan Academic, 2019), 32-33; Marjoleine Kars, *Breaking Loose Together*, 90-91; Charles Woodmason and Richard J. Hooker, ed., *The Carolina Backcountry on the Eve of the Revolution: The Journal and*

Women also were highly visible in the public eye. As historian Aaron Palmer notes in *A Rule of Law: Elite Political Authority and the Coming of the Revolution in the South Carolina Lowcountry, 1763-1776*, there was a sharp distinction between men and women during the Colonial Era and during the Revolutionary Era.<sup>26</sup> Women often faced double standards legally during the Revolutionary Era. An example of this would be the laws regarding the birth of children out of wedlock or children accused of not being their spouses. Punishments for women convicted of these crimes were more severe than men. Women could be whipped up to thirty-nine times while men may have had to pay five to ten shillings.<sup>27</sup> Punishments for women were a form of public humiliation, so it was important that women acted with the utmost morality and within the confines of the law. Newspapers frequently printed advertisements authored by women selling or buying property. These newspapers documented the activities of estate management of women too. Articles demonstrate that the sale of plantations were subject to a widow's dower, meaning that one third of the profit was payable to the widow.<sup>28</sup> Admittedly there is some revolutionary trend for women in Georgia. Originally, women were not permitted to inherit land when the colony was established according to the charter. However, that soon changed due to the fact that female inheritance was one of the only ways for the continuation of the colony as was slavery.

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*Other Writings of Charles Woodmason, Anglican Itinerant* (University of North Carolina Press, 1953), [http://www.jstor.org/stable/10.5149/9781469600024\\_woodmason](http://www.jstor.org/stable/10.5149/9781469600024_woodmason).

<sup>26</sup> Aaron Palmer, *A Rule of Law 1763-1776*, 81-82, 87.

<sup>27</sup> Aaron Palmer, *ibid.*, 82.

<sup>28</sup> Charles Crouch, "To Be Sold," *The South Carolina Gazette; And Country Journal*, February 10, 1767, *Accessible Archives*.



As participants in a consumer economy, women were highly aware of the economic impact of the British taxation policies. Britain's tea tax had a tremendous reaction from the colonists along with the Stamp Act. The taxation of tea, a beverage that was among the top consumer goods and socially acceptable for the consumption of women would be noticed by the ladies of the colonies given the tensions already present, women were able to act to motivate colonial patriotism. Women in North Carolina, South Carolina, and Georgia did not make up a majority in combat ranks. This is true of all of the colonies. There were a few women who did serve as soldiers. Deborah Sampson of Massachusetts is one of the few known women to have disguised themselves as men to fight in combat units.<sup>29</sup> In the southern theater of the War of Independence, women took far more subtle roles. In protest of the English parliamentary acts, women would boycott English goods. This was again done throughout the colonies. However, as the primary consumers in the colonial era, women were responsible for buying goods from merchants in towns. These goods ranged anywhere from clothing, textiles, tea, paper goods, to other manufactured and imported goods upon which the English had taxed.<sup>30</sup> More specifically, in the time of the War of Independence women were more involved in the boycotting of tea and

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<sup>29</sup> Herman Mann, *The Female Review, or, Memoirs of an American Young Lady, Whose Life and Character Are Peculiarly Distinguished, Being a Continental Soldier, for Nearly Three Years, in the Late American War during Which Time She Performed the Duties of Every Department, into Which She Was Called, with Punctual Exactness, Fidelity and Honor, and Preserved Her Chastity Inviolable by the Most Artful Concealment of Her Sex*. Dedham (Mass: Printed by Nathaniel and Benjamin Heaton, for the author, 1797).

<sup>30</sup> Albert B. Southwick, "The Molasses Act – Source of Precedents," *The William and Mary Quarterly* 8, no. 3 (1951): 389–405, <https://doi.org/10.2307/1917421>; The Molasses Act of 1733, "1733: 6 George 2 c.13: An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America," *The Statutes Projects*, accessed April 1, 2024, <https://statutes.org.uk/site/the-statutes/eighteenth-century/1733-6-george-2-c-13-the-molasses-act/>; Patrick Rael, *Eighty-Eight Years: The Long Death of Slavery in the United States, 1777-1865* (Athens: University of Georgia, 2015), 55-57.

textiles. The women of Edenton, North Carolina even staged a tea party not unlike that of the Boston Tea Party.<sup>31</sup> There was another one organized by women in Wilmington, North Carolina.

As tensions rose further between the British and the colonist due to the oppressive implementation of tax policies, the consumer culture of the colonies responded in mass, especially women. In the October of 1774, fifty one women in Edenton, North Carolina resolved to abstain from supporting the import of English goods and to support the “publick good” by declaring their adherence to the resolves of the provincial Congress.<sup>32</sup> The resolves of the provincial Congress were that they would not support the import of English goods to deter the British tax policies. By making this declaration, women in Edenton were effectively stepping into a public role. They were making a political statement. At this time, women in public roles were a rarity as individuals; The concept of women in public roles as a group, was treated as a joke by many males.

On both sides of the Atlantic, men treated women in public roles as an object to be satirized. James Iredell, the husband of Hannah Johnston, sister of one of the signers of the Edenton resolves, likened the ladies to Amazonians. He further stated that Englishmen were “afraid of a male Congress,” but that a female Congress was even more fearsome as the way that they held their darts would mortally wound them.<sup>33</sup> Obviously, James Iredell mocked his sister-in-law. In the previous sentence of the letter, he likened this resolve as to the lady simply giving

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<sup>31</sup> Oberg, *Women in the American Revolution*, 57.

<sup>32</sup> Norton, *Liberty's Daughters*, 161-163; Inez Parker Cumming, “The Edenton Ladies’ Tea-Party,” *The Georgia Review* 8, no. 4 (1954): 389–95, <http://www.jstor.org/stable/41395269>.

<sup>33</sup> Norton, *Liberty's Daughters*, 161-165; Cumming, “The Edenton Ladies’ Tea-Party,” 391-392.

up the drinking of tea.<sup>34</sup> He did not acknowledge this action as being politically important. The lack of attention from colonial males as to the importance of women in the protest movement, heightened women's self-awareness of their own station. As spinning was not an unfeminine activity, the emphasis on the importance of the production of homespun cloth generated a more self-aware society of women.<sup>35</sup> Even John Adams did not take his wife's advice in including protections of women against tyrannical spouses into serious consideration.<sup>36</sup> It was his belief that because they bore the name of masters that women were subjugated to the will of men.

However, in the Carolinas and Georgia the majority of the labor force were in fact slaves. According to historian Mary Norton, most planters began to increase the number of female spinners on their plantations.<sup>37</sup> It was not white women who were producing this cloth, it was in fact African women who were doing the producing. It was white men and white women who were consuming this material in protest of the importation of finely made British cloth. If white women in the Carolinas and Georgia were involved in the production of homespun, it would have been a spectacle not unlike that which occurred at the home of Ezra Stiles.<sup>38</sup> Nevertheless, newspaper articles printed in the Revolutionary Era demonstrate that women actively participated in the consumer culture of the Carolinas and Georgia in order to promote local economies to the detriment of British imports.

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<sup>34</sup> Norton, *Liberty's Daughters*, 161-165.

<sup>35</sup> Carol Berkin, *Revolutionary Mothers: Women in the Struggle for America's Independence*, First edition (New York: Knopf, 2005), 17.

<sup>36</sup> Letter from John Adams to Abigail Adams, 14 April 1776, *Adams Family Papers: An Electronic Archive*, Massachusetts Historical Society, <http://www.masshist.org/digitaladams/>.

<sup>37</sup> Mary Norton, *Liberty's Daughters*, 164-165.

<sup>38</sup> Mary Norton, *Liberty's Daughters*, 166-168.

As a result of the boycotting of English imported goods there came a demand for more domesticated textile works. This was known as the homespun movement. The homespun movement gained momentum from the various Non-importation Agreements that spread throughout the colonies. The agreement in South Carolina was led by local artisans and merchants who were most effected by the Townshend Acts. Christopher Gadsden, a merchant was outspoken about the negative effects of the Townshend Acts and urged all merchants not to buy or sell British imported goods.<sup>39</sup> The Non-Importation Agreement of Georgia was published in the newspapers of South Carolina, as were advertisements for homespun garments.<sup>40</sup> One in particular printed in the *South Carolina Gazette* on March 2, 1769 was most supportive of American economic pursuits:

THE Subscriber, being desirous to contribute his Mite towards encouraging American Manufactures, will give a good Price for as much HOMESPUN CLOTH as will make him a Suit or Two of Cloaths.- John Prue<sup>41</sup>

Homespun clothing was a distinct type of cloth. Homespun was made of flax and cotton.<sup>42</sup> It was rougher and not as refined as those made in Britain. What was occurring was a concentration on local manufacturing in response to the unjust taxation implemented by the British on American imports and exports.<sup>43</sup> What this meant was that that clothing was made

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<sup>39</sup> *The South Carolina Gazette*, July 27, 1769; *The South Carolina And American General Gazette*, July 10, 1769; Ellen Hartigan-O'Connor, *The Ties That Buy Women and Commerce in Revolutionary America* (Philadelphia: University of Pennsylvania Press, 2009), 176.

<sup>40</sup> *The South Carolina and American General Gazette*, September 17, 1770, *Accessible Archives*; *The South Carolina Gazette*, November 23, 1769, *Accessible Archives*; *The South Carolina and American General Gazette*, June 22, 1770, *Accessible Archives*; *Georgia Gazette*, July 19, 1769; *Georgia Gazette*, September 13, 1769; Allen D. Candler, ed., *The Revolutionary Records of the State of Georgia* (3 vols., Atlanta, 1908), I, 8-11.

<sup>41</sup> *South Carolina Gazette*, March 2, 1769.

<sup>42</sup> Charles Crouch, "ANY Gentleman that shall think proper to have a Number of Slaves," *The South Carolina Gazette And Country Journal*, May 6, 1766, *Accessible Archives*.

<sup>43</sup> *Georgia Gazette*, September 6, 1769.

locally. It was not being imported from Britain. In other colonies and presumably including the Carolinas and Georgia women even participated in what is known as spinning bees.<sup>44</sup> However there is a scarcity of sources which demonstrate this. The sources printed in newspapers from North Carolina, South Carolina, and Georgia do however have an abundance of advertisement for the sale of spinning wheels and slaves proficient in the trade of spinning. These advertisements show that there was a demand for homespun textiles in the Carolinas and Georgia. Furthermore as the articles referencing slaves proficient in spinning are pacifically noting that those slaves are female suggest that women in South Carolina and Georgia were weaving homespun cloth.<sup>45</sup> Though in Georgia, newspapers did advertise goods from Europe to be sold.<sup>46</sup> However, it must be understood that some colonial newspapers and pamphlets have been lost to time. In some situations the print has faded so much that they are illegible. From the mid-1760s to the 1780s, newspapers in the Carolinas and Georgia did however see an increase in advertisements for the sale of homespun textiles. In newspapers supported by Loyalists, there were advertisements for imported goods. However most clothing seems to have been manufactured domestically.

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<sup>44</sup> Hartigan O'Connor, *Ties that Buy*, 175-176; Charles Crouch, "ANY Gentleman that shall think proper to have a Number of Slaves," *The South Carolina Gazette And Country Journal*, May 6, 1766, *Accessible Archives*.

<sup>45</sup> J. Whitmarsh, "JOSHUA EDEN CHAIR-MAKER, in king street, has for sale SOME extraordinary," *The South Carolina Gazette*, November 7, 1775, *Accessible Archives*; J. Whitmarsh, "Quebec," *The South Carolina Gazette*, September 28, 1765, *Accessible Archives*; Charles Crouch, "GOOD Writing Paper to be sold by the Printer hereof. From the," *THE SOUTH CAROLINA GAZETTE AND COUNTRY JOURNAL*, January 5, 1768, *Accessible Archives*; Charles Crouch, "And you this some frugal gentlemen, can sit still and see," *The South Carolina Gazette And Country Journal*, July 11, 1769, *Accessible Archives*; Charles Crouch, "To Be Sold at publick vendue by the Subscriber at her plantation," *The South Carolina Gazette And Country Journal*, December 16, 1766, *Accessible Archives*; Peter Timothy, "The Subscriber begs the favour to inform the public," *The Gazette of the State of South Carolina*, November 25, 1778, *Accessible Archives*; *The North Carolina Magazine*, July 27, 1764, *Digital NC*; Charles Crouch, "ANY Gentleman that shall think proper to have a Number of Slaves," *The South Carolina Gazette And Country Journal*, May 6, 1766, *Accessible Archives*.

<sup>46</sup> *Georgia Gazette*, October 15, 1766.

Boycotting the English goods was not the only means of boycotting that women in the Carolinas and Georgia organized. Military endeavors usually cannot be successful without the aid of the people in the region being fought in. This is an almost certainty. This aid comes in many forms historically. The surplus of food production to feed the military and the civil population is one form of aid, especially as military units are mobile and food is perishable. Supply and clothing, medical aid, shelter, supply lines, communication lines, economic stability are also forms of aid that are necessary for military success. Without this aid military success would be unattainable. One way in which this aid could be insured is through marriage of allies.

By marrying people in order to secure property rights military commanders would have assurances that communication lines, provisions, and other military necessities such as shelter could be assured depending on the political affiliation of the couple involved. Also social assimilation by way of securing familial alliances would be preferable. As the rebelling colonists in the Carolinas and Georgia still maintained that their rights as Englishmen were being violated it stands to reason that the English or Loyalists believed that there could be enough common ground to end the rebellion through marriage. The rationale for this was that marriages would help ensure that peace would be gained quicker if only because no one would desire to fight against family if it could be helped. However, depending on the political positions of the families and how staunchly they upheld their principles these agreements would not be met. The same arguments would be applied by Patriots.

There was a phenomenon of denying marriage as a form of sexual politics. Sexual politics in the revolutionary Europe, was a political stand made by women in most colonies as a means of boycotting British taxation policies. In New York, women were known to refuse to

marry men who had purchased marriage licenses in protest of the Stamp Act.<sup>47</sup> The Stamp Act, placed a tax upon legal documents including marriage license. So by refusing the suits of men who had purchase these licenses, women were effectively boycotting marriage and English tax on stamped documents. Elizabeth Ellet claimed that ladies from “the most respectable families” in Mecklenburg and Rowan counties, North Carolina “pledged themselves not to receive the addresses of any suitors who had not obeyed the country’s call for military service.”<sup>48</sup> Protesting marriage to influence men to join the military was a means to enter the public arena in a socially acceptable action. There were instances in which women protested marriage as incentive for men to enlist in the Continental Armies or militias to fight against the invading British Army. In an article published in the *South Carolina and American General Gazette* on February 9, 1776:

The young ladies of the best families of Mecklenburg county, North Carolina, have entered into a voluntary association that they will not receive the addresses of any young gentlemen of that place, except the brave volunteers who served in the expedition to South Carolina, and assisted in subduing the Scovillite insurgents. The ladies being of opinion that such persons as stay loitering at home, when the important calls of their country demand their military services abroad, must certainly be destitute of that nobleness of sentiment, that brave, manly spirit, which would qualify them to be the defenders and guardians of the fair sex. The ladies of the adjoining county of Rowan have desired the plan of a similar association to be drawn up and prepared for signature.<sup>49</sup>

The statements made in this article suggest women’s perspective on the spirit of manliness. Men who stayed home despite the call of military service were not qualified to be

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<sup>47</sup> Linda De Pauw, *Four Traditions: Women of New York During the American Revolution*, 14; New York Gazette, December 6, 1765; Berkin, *Revolutionary Mothers*, 16-17.

<sup>48</sup> Ellet, *Women of the Revolution*, 16, 25, 30; William Moultrie, *Memoirs of the American Revolution: so far as it related to the states of North and South Carolina, and Georgia* (New York: David Longworth, 1802), 357; Mecklenburg Declaration, Meeting of the Committee of Safety, Salisbury, May 8, 1776, Minutes of the Rowan County Committee of Safety, Vol. 10, *Colonial and State Records of North Carolina*, 592-594.

<sup>49</sup> *South Carolina and American General Gazette*, February 9, 1776; C. L. Hunter, *Sketches of Western North Carolina, Historical and Biographical: Illustrating Principally the Revolutionary Period of Mecklenburg, Rowan, Lincoln, and Adjoining Counties, Accompanied with Miscellaneous Information, Much of It Never before Published* (Raleigh: Raleigh News Steam Job Print, 1877), Ch. 1; Ellet, *Women of the Revolution*, 16.

defenders and guardians of the fair sex. Furthermore, as these men had shown themselves to be devoid of republican virtue they were unfit to be husbands. The qualifications of such was that men must not be “destitute of that noblest of sentiment,” that “brave, manly spirit,” implying that gentlemen must be willing to fight for the cause.<sup>50</sup> The criteria for marriage to a lady of one of the best families was therefore not primarily one of economic means but military ability and willingness. The criteria of military ability and willingness to act for the public good was charmed republican virtue and the inclusion of republican virtue as a criteria for marriage could be described as revolutionizing marriage. However, although young women could feel social pressure to marry they had the right to deny marriage and act independently in choosing their own spouse or living as spinsters. As spinsters and as single young women had a choice in the matter of marriage in the colonial era and in the Revolutionary Era, the only revolutionary aspect of the practice of marriage was the inclusion of this criteria of political affiliation. Furthermore, as marriage could not be forced upon women their inheritance could only be transferred to spouses they chose for themselves. Potential prospects of marriage into wealthy families was attempting incentive for men to align themselves with the military supported by the families of prospective brides.

The prevention of an advantageous marriage due to military allegiance or non-participation on account of characters was a detriment to becoming a Loyalist in Mecklenburg and Rowan counties in North Carolina. Women would not marry men who chose to stay at home and not fight the British nor would they marry men who chose to fight as Loyalist. They were firm in their belief that men should demonstrate the republican virtue of the time. That meant that

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<sup>50</sup> *South Carolina and American General Gazette*, February 9, 1776, *ibid.*



to be a man, men had to be willing and able to fight for the cause. Compared to twentieth and twenty-first century, marriages in the latter half of the eighteenth century were still very feudal. Parents of the married couple to be held much sway. People married primarily for economic and property gain. Ordinarily, couples married into families around the general vicinity of their own families but not necessarily to their neighbors. People did tend to marry within their own social class, even in America. However, the goal was to expand their social and economic network beyond the county in which they lived. It was as much about expanding their network as expanding their familial ties. If they only married their neighbors then those networks would not grow.

Property ownership was also something to which had not changed very much since the Middle Ages. The property of the women and their legal status was superseded by that of their husband. This was called *femme coverture*. For a man to marry a woman from a wealthy family meant that his social and economic status would be increased. It therefore would have been a great benefit for any man to marry a woman whose family was wealthy in that time provided he had her consent which was vital. At that time a woman's consent was necessary for a marriage to be valid and in the Carolinas marriage settlements were often constructed so that there was legal validity to property ownership. Marriages often constituted contracts by which property could be adjoined. Therefore what women were doing in the Revolutionary Era with regards to boycotting marriage as a result of their fiancées obtaining a stamped marriage license or refusing to fight for the Patriot cause was very effective.<sup>51</sup> By denying men marriage into affluent families, they were

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<sup>51</sup> Ellet, *Women of the Revolution*, 16, 25; *South Carolina and American General Gazette*, February 9, 1776, *ibid*; Linda De Pauw, *Four Traditions: Women of New York During the American Revolution* (Albany: New York State Bicentennial Commission, 1974), 14; *New York Gazette*, December 6, 1765.

also denying them the chance to expand their own property portfolio. At the same time, women in the counties in North Carolina did have an impact in increasing the number of men who enlisted in the Patriot military. Mecklenburg and Rowan counties of North Carolina were known to have been staunchly patriotic in their political affiliations.

When contemplating the image of a woman during the time of the American War of Independence from Britain in the 1770s and 1780s a distinction is seldom made between women of the former southern colonies and those of the northern ones. Women from North Carolina, South Carolina, and Georgia retained similar images to each other in their activities. As the Carolinas and Georgia were very similar in their economic and social structure, women did share commonalities. They occupied the same positions in the social tiers. The image of women either at home taking care of the house with children around her is primarily the image that comes to mind of women from the lower southern colonies. Women would usually stay at home while the men went off to war.

Another image that comes to mind is not generally favorable to women, that of the camp follower.<sup>52</sup> Camp followers do not have a positive connotation attached to them. A general perception of camp followers is that they were a little more than sexually dispensable women communally available to servicemen, who were looking for marriage or protection from the opposing military forces. In fact, these women referred to as “women of the army,” were often the spouses of the military personnel or their widows. A few may have been women who were

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<sup>52</sup> Holly A. Mayer, “Belonging to the army: Camp followers and the military community during the American ” (Dissertations, Theses, and Masters Projects, William & Mary, 1990), 2-3, 20, <https://dx.doi.org/doi:10.21220/s2-56bp-nv94>.

economically disadvantaged.<sup>53</sup> Women who had been widowed as a result of the conflict or had their possessions and property confiscated by the British were economically and physically disadvantaged. Following the army and militia groups would have provided protection, industry, even a chance of marriage to a soldier. More recent scholarship demonstrates that camp followers were far more respectable in position to the efforts of the military.<sup>54</sup>

Camp followers made valuable contributions to the war effort. They took care of the tasks in which soldiers would not have had the time to complete but required to have completed. Women performed the more domesticated activities around encampments. Women who followed the camps performed duties such as ensuring that the laundry was completed, including bedding, they acted as nurses, cooks, and at times women even acted as soldiers when necessary.<sup>55</sup> Women in the Carolinas and Georgia whether they supported or opposed the military efforts of the Patriots or chose to remain in their homes or follow their respective military units acted in ways which proved previous connotations of their gender being weak and unsuitable to possessing full rights and liberties of citizenship false.

In 1780, the British had achieved an astounding victory in the Southern colonies. They had seized Charleston and already controlled or occupied Savannah, Georgia was under their control. Savannah was almost willingly handing back to the British as the a French fleet had

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<sup>53</sup> James Kirby Martin and Mark Edward Lender, *"A Respectable Army": the Military Origins of the Republic, 1763-1789*, Third edition (Chichester, England: Wiley Blackwell, 2015), 75; Linda Grant DePauw, "Women in Combat: The Revolutionary War Experience," *Armed Forces and Society*, 7, no. 2 (Winter 1981): 209-210; Walter Hart Blumenthal, *Women Camp Followers of the American Revolution* (Philadelphia: George MacManus Co., 1982), 58.

<sup>54</sup> Ibid; Mayer, "Belonging to the army: Camp followers and the military community during the American Revolution," *ibid.*

<sup>55</sup> Mayer, "Belonging to the army," *ibid.*

returned to the West Indies and the local militia and continental forces were spread thin. The British under the command of Sir Henry Clinton issued a proclamation denouncing vengeance against those who would lay down their arms.<sup>56</sup> This proclamation would come back to haunt the British as it swelled the ranks at the militia and Patriot army. This was especially so as the British Loyalist troops continued to harass those who were sympathetic to the Patriot cause. Patriots had distributed arms and ammunitions amongst the people in the Backcountry. They done this with the belief that the British would be repelled with militia. However they were also aware that the more arms and ammunitions that were under the command of the British were a threat to American liberty. Martha Bratton, Jane Thomas, and Rebecca Motte were all women who judiciously deprived the British of ill begotten gains and in doing so they advanced the cause of American liberty.

Of the few women of whom records exist and aided the Patriot cause, Martha Bratton is a fascinating study. Martha Bratton, born Martha Robertson or Robinson in 1749 in Rowan County, North Carolina and died 1816, was married to Colonel William Bratton.<sup>57</sup> William Bratton was one of the many Patriot militia commanders. Although he was significant in the military history of the Revolutionary Era, it is his wife that bears more significance to this study. Like Jane Thomas and Rebecca Motte, Martha Bratton is also credited with blowing up a large supply of gunpowder. What is different about her endeavors is that Martha blew up her supply of

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<sup>56</sup> Gt. Brit. Colonial Office. *South-Carolina. By Sir Henry Clinton. Knight of the Bath, General of His Majesty's forces, and Mariot Arbuthnot, Esquire, Vice-admiral of the blue, his Majesty's commissioners to restore peace and good government in the several colonies in rebel.* Charles-Town, 1780. Pdf. <https://www.loc.gov/item/2020768989/>; *New York Gazette*, July 21, 1779.

<sup>57</sup> Michael C. Scoggins, *The Day It Rained Militia: Huck's Defeat and the Revolution in the South Carolina Backcountry, May-July, 1780* (Charleston, South Carolina: The History press, 2005), 59; K. M. Waldvogel, *Spies, Soldiers, Couriers, & Saboteurs: Women of the American Revolution* (Waukesha, WI: Orange Hat Publishing, 2019), 84.

gunpowder and timed it to coincide with the arrival of British troops.<sup>58</sup> This demonstrates her ability to plan and to execute military tactics. On the other hand, it also adheres to a medieval mindset regarding the capabilities of women, that they are devious creatures.<sup>59</sup> According to Elizabeth Ellet and Robert M. Dunkerly, Martha was questioned several times about the location of her husband.<sup>60</sup> She was steadfast in her refusal to give up this information even under threat of death. Her refusal to give the enemy any information demonstrates astounding bravery.

Martha Bratton's life was threatened in her own home, though not on a distant battlefield or in a skirmish with militia. When Martha Bratton was threatened with a reaping hook by a Loyalist soldier under the command of Captain Huck, there were witnesses including her son, the future Dr. John S. Bratton, and the second in command to Captain Huck, a man named Adamson.<sup>61</sup> It was not Captain Huck that threatened her with a hook, but a Loyalist soldier and it was the second in command who interceded on her behalf. During this invasion of her home in an attempt to gain information on militia troops in the command of Sumter's army there were prisoners taken and Martha did have the opportunity to poison them. According to Ellet, Martha

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<sup>58</sup> Ellet, *Women of the Revolution*, 237-249; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 60-62; Waldvogel, *Spies, Soldiers, Couriers, & Saboteurs*, 85-86; Orlando W. Stephenson, "The Supply of Gunpowder in 1776," *American Historical Review* 30, no. 2 (January 1925): 271-281, accessed January 30, 2019, [http://penelope.uchicago.edu/Thayer/E/Journals/AHR/30/2/Supply\\_of\\_Gunpowder\\_in\\_1776.html](http://penelope.uchicago.edu/Thayer/E/Journals/AHR/30/2/Supply_of_Gunpowder_in_1776.html).

<sup>59</sup> Jocelyne A. Scutt, *Women and Magna Carta: A Treaty for Rights or Wrongs?* (UK: Palgrave-Macmillan, 2016), 4, 9, 14-15, 58; Nicholas Vincent, "Magna Carta: From King John to Western Liberty," in *Magna Carta: History, Context and Influence*, ed. Goldman Lawrence, (London: School of Advanced Study, University of London, 2018), 26, 32, <http://www.jstor.org/stable/j.ctv5136sc.9>; Justin Buckley Dyer, "Slavery and the Magna Carta in the Development of Anglo-American Constitutionalism," *P.S. Political Science and Politics* 43, no. 3 (2010): 479-482, accessed September 14, 2019, <https://www.jstor.org/stable/25699354>.

<sup>60</sup> Ellet, *Women of the Revolution*, 237-243; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 60-63; Waldvogel, *Spies, Soldiers, Couriers, & Saboteurs*, 88-90.

<sup>61</sup> Ellet, *Women of the Revolution*, 241; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 61; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 63.

did not poison them because she considered this dishonorable to the potential victory of her husband to behave in the “Roman way.”<sup>62</sup> The wives of various Roman emperors were known to be very devious, they were frequently accused of poisoning political enemies of their husbands or themselves. This was considered to be a very dishonorable act as their opponents could not defend themselves. As it so happens Martha was able to get a message to her husband when Huck’s troops left that night and her husband was already on his way from Mecklenburg, North Carolina under the suspicion that royalist would seek revenge by attacking families after their defeat of Tories at Mobley’s Meetinghouse on June 8<sup>th</sup>, 1780 in present-day Fairfield County, South Carolina.<sup>63</sup> Because of the way in which Huck’s troops were situated at the property of James Williamson home and the fact that Bratton arrived at night and disbanded the horses into the swamp to hide them they were able to route the British forces, comprised of New York volunteers and dragoons, in a pincer movement. Huck was killed in this encounter. The British were forced back to the Bratton home. The actions taken by Martha Bratton seem to emulate the ideal woman.

Martha was very courteous and caring towards the Patriots and to the British. She supplied both sides with medical care and was even able to grant one officer with clemency. It is noted by Ellet that:

She humanely attended the sufferers in person affording them indiscriminately, every relief and comfort in her power to bestow; Reading and nursing them and supplying their wants with the kindest and most assistedness attention. Thus her lofty spirit was

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<sup>62</sup> Ellet, *Women of the Revolution*, 242; Waldvogel, *Spies, Soldiers, Couriers, & Saboteurs*, 89.

<sup>63</sup> Ellet, *Women of the Revolution*, 243-244; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 60-65; Michael C. Scoggins, *The Day It Rained Militia: Huck’s Defeat and the Revolution in the South Carolina Backcountry*, 110-111.

displayed no less by her humanity to the vanquished than by her courage and resolution in the hour of danger.<sup>64</sup>

This was likely garnered from evidence provided by her from son, William Bratton Jr. who described his mother as being very capable of handling poultices and healing.<sup>65</sup> The act of clemency that she was able to garner from her husband and other Patriot leaders in command was for that of the person who aided her, the second in command of Huck's troops. Adamson ensured that she did not die by a reaping hook. She recognized him and petitioned for his exchange. According to Ellet, "Gratitude and mercy natural to woman's heart, prompted her to now intercede for him."<sup>66</sup> Here it is shown that Martha demonstrated the qualities of the ideal woman, not the ideal man. She was sympathetic and nurturing as well as capable of showing gratitude and mercy. Martha Bratton due to her military actions in relaying information to her husband and having the foresight to destroy ammunitions so that the British could not use them demonstrated that she was an example that women in Revolutionary America were more than capable of receiving the same liberties and freedoms as men who completed the same actions.

There was a connection between religion, war, and women's roles in the American War of Independence. English Anglican minister in the South Carolina Backcountry, Charles Woodmason once notated that dissenter groups in the Carolina Backcountry spread democratic ideals throughout the colonies.<sup>67</sup> These dissenters included Presbyterians and the message was

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<sup>64</sup> Ellet, *Women of the Revolution*, 244-245; Michael C. Scoggins, *The Day It Rained Militia: Huck's Defeat and the Revolution in the South Carolina Backcountry*, 126.

<sup>65</sup> Scoggins, *The Day It Rained Militia: Huck's Defeat*, 126-129.

<sup>66</sup> Ellet, *Women of the Revolution*, 245; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 63-64; Waldvogel, *Spies, Soldiers, Couriers, & Saboteurs*, 90-92; Scoggins, *The Day It Rained Militia: Huck's Defeat*, 126-129.

<sup>67</sup> Charles Woodmason and Richard J. Hooker, ed., *The Carolina Backcountry on the Eve of the Revolution: The Journal and Other Writings of Charles Woodmason, Anglican Itinerant* (University of North Carolina Press, 1953), [http://www.jstor.org/stable/10.5149/9781469600024\\_woodmason](http://www.jstor.org/stable/10.5149/9781469600024_woodmason); Bernard Bailyn, *The Ideological Origins*

fueled by passion. The question then would be to whom was the message meant for, men or women, or both? As the revivalist of the Great Awakening particularly George Whitefield ministered to both men and women it can be assumed that both received the message of God and politics with equal passion and integrity.<sup>68</sup> The story of Mrs. Jane Thomas brings this argument to life.

Jane Thomas though she was advanced in aged by the time of the conflict, was a heroine of the Carolina backcountry. Jane Thomas was born Jane Black in Chester, Pennsylvania around 1720.<sup>69</sup> Her brother reverend John Black was the first president of Dickinson college and a Presbyterian. When Jane and her husband Colonel John Thomas moved to Fairforest in what is now Spartanburg County, South Carolina they were members of the Presbyterian Church known as Fairforest Church. Colonel John Thomas served with the Patriot militia. He was the colonel of the Spartan regiment, which he was elected to the position when Loyalist Colonel Fletcher refused to accept a commission.<sup>70</sup> Their activities were usually directed towards aiding the Patriot cause on the frontier against Native Americans. Colonel Fletcher frustrated those efforts by alerting British and Loyalist troops within a thirty mile distance.<sup>71</sup> Attacks on the backcountry

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*of the American Revolution*, Fiftieth anniversary ed. (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2017), 169; Thomas S. Kidd, *America's Religious History*, 32-33; Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: University of North Carolina Press, 2002), 90-91.

<sup>68</sup> Jerome Dean Mahaffey, *The Accidental Revolutionary: George Whitefield and the Creation of America* (Waco, Tex: Baylor University Press, 2011), xi, 145-146; Thomas S. Kidd, *George Whitefield: America's Spiritual Founding Father* (New Haven: Yale University Press, 2014), 13; Lee Gatiss, ed., *The Sermons of George Whitefield*, vol. 2 (Wheaton, IL: Crossway, 2012), 166-167.

<sup>69</sup> Ellet, *Women of the Revolution*, 250.

<sup>70</sup> Ellet, *Women of the Revolution*, 251; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 67.

<sup>71</sup> Ellet, *Women of the Revolution*, 252-254,



by the British and Loyalist caused most of the militia groups to be defeated. Many were forced to flee or accept British protection. Those who fled more often than not went to North Carolina. Reverend Colonel Thomas took protection with the hope that his family would be unmolested.<sup>72</sup> However, British policy under Henry Clinton was that submission would be gained by the severest method possible.<sup>73</sup> This meant that homes were often ransacked and property was stolen.

The way in which Colonel Thomas who at this time was also quite advanced in age, was apprehended may have also played a part in how his family was treated by the British. Colonel Thomas was in possession of arms and ammunition sent to the militia groups by John Rutledge.<sup>74</sup> He attempted to divide the arms and ammunitions so that the British would not have all of that if they were found out. The British attacked his home and he was presumably captured on his way back. As he was a known Patriot, he and his family were not unmolested by Loyalist and British troops. Colonel Thomas and two of his sons were arrested by the British and sent to prison at the Ninety-Six and then conveyed to Charleston later.<sup>75</sup> While he was away and in accordance with British policy his property and the property of his neighbors were raided and robbed of cattle, clothing, bedding, negroes, horses, and any property of value.<sup>76</sup> Often women were called into

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<sup>72</sup> Ellet, *Women of the Revolution*, 253.

<sup>73</sup> Ellet, *Women of the Revolution*, 250-259; *New York Gazette*, July 21, 1779.

<sup>74</sup> Ellet, *Women of the Revolution*, *ibid*; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 67; Banastre Tarleton, *A History of the Campaigns of 1780 and 1781, in the Southern Provinces of North America. By Lieutenant-Colonel Tarleton* (London: printed for T. Cadell, 1787), 119.

<sup>75</sup> Ellet, *Women of the Revolution*, *ibid*; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on Southern Battlefields*, 67-70.

<sup>76</sup> Ellet, *Women of the Revolution*, *ibid*; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on Southern Battlefields*, 67-70.

active service to defend their homes. Jane Thomas and her female relatives were among those women.

Jane Thomas helped to defend her home when her husband had temporarily left to hide the arms and ammunition, gunpowder, sent by John Rutledge. She, her daughters, and her son-in-law rallied in the second story of her home and withstood the British attempt to seize the property. The story of this event was that the men used their rifles from the windows and the daughters were reloading all the guns so that it appeared as though there were more men inside the home than there really was. At this time the guns available were very difficult to reload in quick succession.<sup>77</sup> So having them reloaded so quickly would have given the impression that there were in fact more men defending that home than there really were. When the British fired on the home, Thomas's son-in-law, with the surname Culbertson fired with great accuracy while Jane and her daughters reloaded the guns.<sup>78</sup> They acted as military aides in this event. Another way in which Jane Thomas is noted for her heroism is in passing information to the militia.

While her husband was imprisoned at the Ninety-Six, Jane was permitted to visit. During a visit she came into contact with Tory ladies and overheard information about an ambush. This ambush was to take place at Cedar Springs. Cedar Springs was an area in which the Patriot militia, the Spartan regiment, in which her sons were involved and stationed. She rode sixty

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<sup>77</sup> Anthony James Joes, *America and Guerilla Warfare* (Lexington: University Press of Kentucky, 2000), 35; Anthony James Joes, *Guerilla Conflict Before the Cold War* (Westport, Conn: Praeger, 1996), 7; John W. Wright, "The Rifle in the American Revolution," *The American Historical Review* 29, no. 2 (Jan., 1924): 293-299, accessed February 1, 2019, <https://www.jstor.org/stable/1838519>; Jerome Greene, *The Guns of Independence the Siege of Yorktown, 1781*, 1<sup>st</sup> paperback ed. (New York: Savas Beatie, 2005), 77, 146; Theodore Savas and David J. Dameron, *New American Revolution Handbook: Facts and Artwork for Readers of All Ages, 1775-1783* (Havertown: Savas Beatie, 2011), 148-149.

<sup>78</sup> Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 67.

miles on July 12<sup>th</sup>, 1780 to inform her son of the pending attack.<sup>79</sup> With this information the regiment was able to quickly mount a defense. The militia had hidden in the woods while allowing their campfires to burn brightly giving the appearance of a successful surprise attack by the British forces. Instead the 150 troops, British troops, were soundly defeated by approximately half of that number in Patriot forces.<sup>80</sup> Along with Huck's defeat this victory significantly boosted the morale of Patriot forces in the South. These victories could not have been garnered without Jane Thomas and Martha Bratton. Their ability to not only pass information to militia forces but also to fight and to show humanity towards British soldiers were among the very things in which allowed for a Southern victory to be acquired in the American War of Independence. Without a Southern victory there could not have been a successful War of Independence. It would not have occurred. America would not have separated from Britain as it did.

Rebecca B. Motte was a significant figure in the history of Revolutionary South Carolina. Her entire family was significant for that matter. She was born Rebecca Brewton in 1737 to Robert Brewton a prominent member of Charleston's population as a goldsmith and his wife, Mary Loughton, née Griffith.<sup>81</sup> Her sister Francis married Colonel Charles Pinckney; Her brother Miles Brewton, was a prominent planter and tradesmen owing at least six ships of his own and

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<sup>79</sup> Ellet, *Women of the Revolution*, 254-255.

<sup>80</sup> Ellet, *Women of the Revolution*, 254-255; Steven J. Rauch, "Southern (Dis)Comfort: British Phase IV Operations in South Carolina and Georgia, May–September 1780," *Army History*, no. 71 (2009): 34–50, 39-40, 42-43, <http://www.jstor.org/stable/26296758>.

<sup>81</sup> A. S. Salley, "Col. Miles Brewton and Some of His Descendants," *The South Carolina Historical and Genealogical Magazine* 2, no. 2 (1901): 128–52, <http://www.jstor.org/stable/27574951>; Walter Edgar, ed., *The South Carolina Encyclopedia Guide to the American Revolution in South Carolina* (University of South Carolina Press, 2012), 30-31.

prior to his death was supposed to be a delegate of the Second Continental Congress.<sup>82</sup> Rebecca Motte is symbolic of a continuing tradition of English origin. Motte's property inheritance, specifically, demonstrates the influences of English property and legal tradition which was adopted by the American colonists and later the government of the United States. Rebecca Motte's wealth prior to marriage came from inheritance from her father's estate. Her family originated from Barbados and immigrated to South Carolina.<sup>83</sup> They settled in the Low Country and owned many large homes in the Charleston area.

Of her siblings that survived to adulthood only her sister and her brother, aside from herself survived their parents. According to English legal tradition and South Carolina colonial law children inherited property according to primogeniture if a man died intestate, without a will, and the wife would receive the amount of her dower. Then there is the inheritance law based upon marriage and next of kin relations in the event of the death of heirs.<sup>84</sup> When Miles Brewton, Rebecca Motte's brother, died at sea with his heirs by Mary IZARD all of his property and fortune was divided up between the two sisters, Rebecca and Francis. When Rebecca's husband, Jacob passed in 1780 after serving the Continental military, she inherited a townhouse in Charleston and the Fairfield Plantation, including 244 slaves, to be added to her inheritance from her brother of a home in Charlestown that was commandeered by the British when they took the city and the

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<sup>82</sup> Salley, "Col. Miles Brewton and Some of His Descendants," 148-149.

<sup>83</sup> Salley, "Col. Miles Brewton and Some of His Descendants," 128.

<sup>84</sup> John E. Crowley, "Family Relations and Inheritance in Early South Carolina," *Histoire Sociale/ Social History* 17, no. 33(1984), 37; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 107; Joan Marie Johnson, Valinda W. Littlefield, and Marjorie Julian Spruill, *South Carolina Women Their Lives and Times*, Volume 1 (Athens: University of Georgia Press, 2009), 143-144.

plantation along the Congaree River.<sup>85</sup> Thus, there was a continuation in legal tradition during the so-called Revolutionary Era.

Like many Patriot families, the Motte family supplied Patriot forces with food. According to historian Robert Dunkerly, the plantations owned by the Motte family were known to have produced resources such as pork, corn, beef, and rice.<sup>86</sup> During the War of Independence, Rebecca Motte did serve the Patriot cause as more than a bystander. The siege of Fort Motte from May 8<sup>th</sup> to May 12<sup>th</sup> of 1781, is particularly significant to American history. The fort was actually Rebecca Motte's plantation home that had been fortified by Loyalists.<sup>87</sup> The positioning of this Fort was an essential move on the part of the British in their defensive strategy. The fortification housed a total of 184 British, Loyalist, and German troops.<sup>88</sup> These troops had constructed a moat to surround the property, wooden structures, and various earthen works. These fortifications only protected the first two stories of the home and provided the shelter so that troops could reload their arms.<sup>89</sup> The British forces were confident that these protections would allow them to withstand a siege by American armies.

According to the writings of the American General Henry Lee, when the Americans had arrived, Rebecca and her family had moved to a smaller home on the property and allowed them use of that home as a headquarters for planning. Rebecca also agreed to allow American forces to

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<sup>85</sup> Elise Pinckney and Eliza Lucas Pinckney, "Letters of Eliza Lucas Pinckney, 1768-1782," *The South Carolina Historical Magazine* 76, no. 3 (1975): 143-70, 145, 165, <http://www.jstor.org/stable/27567320>.

<sup>86</sup> Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 107.

<sup>87</sup> Edgar, *The South Carolina Encyclopedia Guide to the American Revolution in South Carolina*, 30-31.

<sup>88</sup> Edgar, *ibid*; Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, 208.

<sup>89</sup> Dunkerly, *Women of the Revolution: Bravery and Sacrifice on the Southern Battlefields*, *ibid*.

set fire to her own home so that the siege would end quicker.<sup>90</sup> The family tradition of the Motte family maintains that Rebecca Motte did acquiesce to the burning of the home and even supplied a means to do so more efficiently. Her attentions to the wounded were also noted by General Henry Lee. He also noted that she cooked for the officers of the American armies and the surrendering Loyalists. The ferocity in which Rebecca Motte supported the American armies in burning down her own home is suggestive of an ardent patriotism. Her willingness to attend to the wounded and to feed both Patriot and British are characteristics of the ideal woman. She demonstrated that republican virtue that was idolized at this time.

The participation of women in the American War of Independence in the Carolinas and Georgia has taken on a mix of a folkloric and factual tradition. This applies mostly to women in combat situations. There is very little evidence of women being soldiers in the continental or militia forces. The same stands for the British and Loyalist troops. Women did however experience military combat. Nancy Hart, a revolutionary hero of Georgia is said to have been particularly active in the efforts to subdue the British in the Georgia Backcountry. One story that was printed in the early nineteenth century in the *Southern Recorder*, recounts how Nancy Hart took six British soldiers captive, two of who were shot while trying to escape, and waited for her male relatives, members of the militia, to return home, so that they may hang the remaining four.<sup>91</sup> Archaeological evidence does suggest that this story is true. In the area in which the Hart family lived there were six shallow graves discovered during the construction of a railway in

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<sup>90</sup> Ibid; Robert E. Lee, ed., *The Revolutionary War Memoirs of General Henry Lee* (New York: Da Capo Press, 1998), 347-348.

<sup>91</sup> *Southern Recorder*; October 5, 1825.

1912.<sup>92</sup> There has been no further study completed on the site. However, due to the location and the condition of the remains it is likely that these were the men that were held and executed by Nancy Hart and her family. Women in the Carolinas and Georgia were put in significant danger whether they were at home or on the battlefields serving in various occupations.

To determine whether or not the American War of Independence represented a change for women, it must be examined the lives of women in the generation before. This is something that was touched upon in the previous chapter. However, here it is necessary to in the decades previous to the conflict women were vital to the socioeconomic structure of colonial life. This had not been a change from early colonial life. However, in specific examples used by historian Joan Gundersen, women were vital to the advancement of their husbands. Women, like Deborah Reed, helped to advance their husbands careers by regularly attending church and social functions, as well as providing social and economic connections through their own holdings.<sup>93</sup> Marriage however was never left up to the courting couple because there were economic, social, and familial implications.<sup>94</sup> Families sought to make the best social and economic match for their children and at times this required families to branch out of the county in which families lived in because neighbors often left too restrictive of a social network. There was not enough room to grow socially or economically.

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<sup>92</sup> “Skeletons of Tories Killed by Nancy Hart Unearthed Tuesday,” *The McDuffie Progress* (Thomson, G.A.), December 27, 1912, accessed February 10, 2024. NewspaperArchive.com.

<sup>93</sup> Joan R. Gundersen, *To Be Useful To The World: Women in Revolutionary America, 1740-1790* (Chapel Hill: University of North Carolina Press, 2006), 9.

<sup>94</sup> Gundersen, *To Be Useful To The World*, 48.

When the ladies of Mecklenburg and Rowan counties in North Carolina congregated in association to deny suitors they were at the same time adhering to social norms and deviating from them. They were adhering to the social norms by responding to the contemporary social acceptability of manliness and socioeconomic potential of their suitors.<sup>95</sup> These were young ladies of economic means, they could afford to make these declarations. The men in which this announcement was directed towards were assumedly within their age group or twenty years their senior. In a word these men would have been anywhere from seventeen years old to forty years old. The economic means of these men would have been fair as they would have been able to go off to war and at the same time had their families estate managed well. On the other hand, these women were deviating from historical social norms in that they were the ones to make the declarations, not their families. It was a gamble of epic proportions. If the women had married a military failure or had the rebels lost the War of Independence they themselves would have risked their property and money as well as their reputations.

Emily Geiger was yet another South Carolinian woman who proved her mettle in service to the Patriot cause. Her story is very well summarized in the work of K. M. Waldvogel and Elizabeth Ellet.<sup>96</sup> Emily Geiger was a messenger who was able to pass information from General

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<sup>95</sup> Gunderson, *To Be Useful To The World*, 173-174; Kerber, *Women of the Republic*, 77-83; Norton, *Liberty's Daughters*, 188-89; T. H. Breen, "Narrative of Commercial Life: Consumption, Ideology, and Community on the Eve of the American Revolution," *The William and Mary Quarterly* 50, no. 3 (1993): 492-493, <https://doi.org/10.2307/2947363>; Gary Nash, *Urban Crucible: The Northern Seaports and the Origins of the American Revolution*, abridged ed. (Cambridge: Harvard University Press, 1986), 228; Cynthia Kierner, *Beyond the Household: Women's Place in the Early South, 1700-1835* (Ithaca, N.Y.: Cornell University Press, 1998), 80-81; Barbara Clark Smith, "Social Visions of the American Resistance Movement," in *The Transforming Hand of Revolution: Reconsidering the American Revolution as a Social Movement*, ed. Ronald Hoffman and Peter J. Albert (Charlottesville: University of Virginia Press, 1995), 40-41; Thomas A. Foster, ed., *New Men: Manliness in Early America* (New York: New York University Press, 2011): 236-237.

<sup>96</sup> Waldvogel, *Spies, Soldiers, Couriers, & Saboteurs*, 21-28; Ellet, *Women of the Revolution*, vol. 2, 295-297.



Nathaniel Greene to General Sumter after the Siege of Ninety-Six. As South Carolina, at this time had a great many Loyalists and high number of British troops, the risk of getting caught as a courier with enemy papers was quite high and the penalties were grievous. Geiger's family lived in the area in which the encampments were close to, which was well known that the Geiger's were in that area, so when the British troops pulled her aside she was able to use the excuse that she was visiting nearby relatives.<sup>97</sup> Emily Geiger's family resided in an area known as Saxe Gotha, South Carolina. Now that area is known as Lexington, South Carolina. Lexington, South Carolina is approximately sixteen miles from the Broad River, where General Nathaniel Greene was encamped in 1781 after the Siege of the Ninety Six. General Thomas Sumter was encamped on the Wateree River, another tributary of the Santee River, East of the Broad River.

While the British sought someone to search her, she quickly memorized the contents of the communications and swallowed the physical evidence so that there was no proof that she was a courier.<sup>98</sup> Her mission was a success. Emily's deviousness of mind and improvisation skills permitted such skillful manipulation that would not have been possible if it had been a male doing the same thing. If a man had tried to pass information the same way he would have been immediately searched because there was no concern for a man's modesty, therefore he would not have been given the chance to memorize the message and swallow it. He would have been caught. He would have been hanged or shot. It took a woman to successfully courier and message between General Greene and General Sumter.

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<sup>97</sup> Ellet, *Women of the Revolution*, vol. 2, 295-297.

<sup>98</sup> Waldvogel, *ibid*; Ellet, *Women of the Revolution*, vol. 2, 295-297.

Mammy Kate, a slave woman from Georgia is a highly significant figure in the history of women in America, African American history, even military history. Very little is known of her apart from a few official documents relating to her manumission from Governor Heard. According to the existing documents and Kim Waldvogel, Mammy Kate actions exemplified heroism in the face of adversity and republican virtue.<sup>99</sup> She was a slave who conspired to and successfully executed a plan to rescue her owner, Stephen Heard who had been taken prisoner after the Battle of Kettle Creek in 1779 from captivity in Augusta, Georgia. The Battle of Kettle Creek took place on February 14<sup>th</sup>, 1779 in the in a western region of Georgia now known as Washington, Georgia. This battle is known to have been the first major patriot victory in Georgia.<sup>100</sup> It was fought between Loyalist militia and the Patriot militia under the command of Loyalist Lieutenant Colonel John Boyd and Patriot Colonel Andrew Pickens. Both sides of this engagement took prisoners. However, Loyalist losses were much higher than those of Patriots. The treatment of prisoners of war by the patriots at this time were less than satisfactory to the British who promised retaliation which would be visited upon the prisoners that they took during this battle. However, it was at this time that the British were in the process of retreating from Augusta, Georgia because of their encounters with the Patriots under the command of General John Ashe. They were unable to see to the harsh penalties that they had hoped to deliver upon certain prisoners.

The reasoning of Kate provided in Waldvogel's was that Stephen Heard had treated her and her husband, Daddy Jack very well and that he was too good of a man. As documents

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<sup>99</sup> Waldvogel, *Spies, Soldiers, Couriers, & Saboteurs*, 99-105.

<sup>100</sup> Rod Andrew, *The Life and Times of General Andrew Pickens: Revolutionary War Hero, American Founder* (Chapel Hill: University of North Carolina Press, 2017), 65-70.

relating to Mammy Kate come from the Heard family, which demonstrate that Mammy Kate and her children were freed after this time and provided for by the her to state, the artistic liberties are more than reasonable.<sup>101</sup> Mammy Kate demonstrated republican virtue despite her status by maintaining a sense of morality, ability to reason a solution, and the willingness to act towards the betterment of the lives of others. Kate was decrying of the liberties and freedoms given to her.

By the precedent set forth in English historical tradition, the actions of Kate and the oaths taken by the Heard family would be akin to medieval oaths of fealty in manorial systems. Because she acted with virtue and loyal service Kate elevated her status in society and to the Heard family; While the Heard family rewarded her services. In this example, Mammy Kate in the medieval feudal system would have been akin to a serf who loyally served and protected the bodily interest of their Lord, the Heard family, resulting in an elevation of status from serf to knight with lands. Because she fought, Mammy Kate was rewarded with freedom and all the liberties associated with that freedom. Although, Mammy Kate did not fight in the traditional sense she did act to free Stephen Heard from captivity by liberating him from prison. She freed him but he taking two of his horses and hiding them in nearby woods and coming to the prison in which Stefan Heard was held and claiming to be there to tend to his soiled linens. As Mammy Kate was reputed to have been a tall and muscular woman she was supposedly able to carry him out in the large basket on her back. She literally carried him to freedom. Her carrying him out in a large basket on her back, may be unlikely however it is also possible. Another possibility is that she only had to carry him a short distance and to place him in a cart. Enslaved peoples at this

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<sup>101</sup> Waldvogel, *Spies, Soldiers, Couriers, & Saboteurs*, 99-105; David Seibert, "Gov. Heard's Grave historical marker," 1996/2014, March 25, 2024, [http://dlg.galileo.usg.edu/do:dlg\\_ghm\\_gov](http://dlg.galileo.usg.edu/do:dlg_ghm_gov).

time were very much desired for their physical strength. Females were not disqualified from field work, where strength was a necessity. Provided his weight was distributed a certain way it is quite possible that she was able to carry him out the gates of the encampment without much complaint for a short distance.

Her story reveals the functions of women in military encampments. She was only allowed in the Loyalist camp by virtue of her abilities as a laundress and slave. Therefore, the inference is that one occupation of women was to continue completing roles associated with women in a mobile capacity. As laundry services also related to the maintenance of clothing, women were responsible for mending clothing, stitching clothing would not have been dissimilar to stitching skin. In an atmosphere in which squeamishness would have been discouraged as battlefield injuries were common assisting on the battlefield as nurses would not have been out of the ordinary for women either.

Mammy Kate is a unique individual in Georgia's history. Mammy Kate's story is steeped in an almost folkloric tradition. She was a slave in Georgia, belonging to Stephen Heard. When Stephen Heard was captured during the Battle of Kettle Creek, it was Mammy Kate and her husband Daddy Jack who conspired to rescue him.<sup>102</sup> According to tradition it was Mammy Kate who carried Col. Heard out from under the watch of the British to freedom. In return for this service, Heard granted Mammy Kate and her families freedom and a permanent place of residence on the Heard family property.<sup>103</sup> Despite having earned her freedom, Mammy Kate turned her children over to the Heard family. This indicates that Kate herself was part of a

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<sup>102</sup> Seibert, "Gov. Heard's Grave historical marker."

<sup>103</sup> Waldvogel, *ibid*; Seibert, *ibid*.

counter-revolutionary trend. Her children's freedom was guaranteed with her service, yet she bequeathed them back into slavery.

Whether or not women dressed up as men to serve as soldiers can never be truly proven. Outside of the fact that there was at least one woman, Deborah Sampson of Massachusetts, who proved that it was possible for women to pass as men in the army for a time, it is also possible that women served and were never discovered. What is most certainly true is that women did provide vital military aid. They were conduits of the messages of liberty and rights. During the Great Awakening, women were equally preached to and given the same rights to spiritual blessings. It was the belief that one had to have liberty in order to be saved. This extended into the political concepts of liberty and rights. During the political and economic upheaval that led up to the military conflict, women were the backbone of society. Often church and the market were their spheres of influence. These were venues in which they could socialize and make political and economic statements declaring their side in the war. Women did participate in the boycotts of British manufacturing by hosting protests and by increasing their own production of homespun clothing.

Women also influenced the number of enlisted soldiers for either side by declaring that their marriage standards depended upon a man's willingness to fight for republican virtue. On the battlefield women were put in direct risk of loss of liberty and life, by being with the army as camp followers and responsible for the maintenance of the encampments and for the health of the men these women often encountered enemy soldiers. At such times it was necessary for them to fight back in defense of themselves or others. Women at home were responsible for the upkeep of their family estates, the passage of information to their families who were serving in the

military, even having to destroy ammunitions so that the British could not have them. Women fought for liberty and freedom, and the rights through equality.

During the events immediately before the official onset of the American rebellion against Britain, women in the Carolinas and Georgia did not take on responsibilities that were not allocated to their marital status. Women no matter their socioeconomic or marital status, did not have more or less rights than they did in the early colonial era. However, they did in Georgia gain more rights in relation to property ownership and inheritance to the point which these rights were identical to women in the Carolinas. The discrepancy can be blamed on the recent founding of the colony in 1733 and the clauses of the Colonial Charter which originally forbade female real estate inheritance.<sup>104</sup> Women's rights in Georgia were only elevated due to the numerous petitions from men taking the same stances as those who argued for the protection of women's marital rights in the thirteenth century.<sup>105</sup> Economically, women were very active, which was not a change from their traditional roles in the colonial Society of the Carolinas or Georgia. Women were respected for procuring various goods even acting on behalf of their husbands. A continuation of tradition is demonstrated by the fact that women were active heads of household. Some women were active in the conflict directly which constitutes a deviation from historical precedent. They spied, they performed rescue missions, there were some that were even reported to have acted as soldiers. By serving in these capacities women by the rules of war and in the

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<sup>104</sup> John O'Neill, *Negro Law of South Carolina* (Columbia, South Carolina: John G. Bowman, 1848); Horatio Marbury and William H. Crawford, eds., *A Digest of the Laws of the State of Georgia, 1755 to 1800* (Savannah, 1802), 442; 455; W. McDowell Rogers, "Free Negro Legislation in Georgia Before 1865," *The Georgia Historical Quarterly* 16, no. 1 (1932): 27–37, <http://www.jstor.org/stable/40576162>; "Charter of Georgia, 1732," *Avalon Project: Documents in Law, History and Diplomacy*, accessed August 20, 2022, [https://avalon.law.yale.edu/18th\\_century/ga01.asp](https://avalon.law.yale.edu/18th_century/ga01.asp).

<sup>105</sup> Lee Ann Caldwell Swann, "Landgrants to Georgia Women, 1755-1775," *The Georgia Historical Quarterly* 61, no. 1 (1977): 23–34, <http://www.jstor.org/stable/40580340>.

traditions in which were ingrained in to the English colonies ideological makeup would have been meeting the prerequisites of full citizenship if they had been born male.

The status of women in the Carolinas and Georgia did not change as a result of their participation in the War of Independence. In fact there are several documents in various archives which prove the their status became even more diminutive. In Georgia, it can be observed that there were less wills being written by women conveying land and there were less deeds of sale involving women. There are also documents under which men were leaving the guardianship of their wives into the hands of other men.<sup>106</sup> They were reduced in status to that of minor children. In the Carolinas, the reduction in status is less obvious. Women still had the same rights that they had in the colonial era. The rights of dower were still in effect. However, the state constitutions which were ratified in 1776 for North Carolina; 1776 and 1778 in South Carolina; 1777 in Georgia excluded women from government participation.<sup>107</sup> By denying women political protections, the governments of the Carolinas and Georgia reduced the status of women.

There was as much change as there was continuity in revolutionary North Carolina, South Carolina, and Georgia. Especially for women. In some aspects life for women did change. Through their participation in the American War of Independence, women demonstrated that

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<sup>106</sup> William Darsey, "Guardianship \$2,000.00 bond to Benjamin Darsey, Jr. Guardianship of Pheriby Darsey (widow of William Darsey, Sr.), Caty, William, Joel, and Willis Darsey. Signatures Benjamin Darsey, Jr. & Sr., David McDaniel, Ambrouse Thompson," 1810. File# 14. Pgs. 2. Original Laurens County, GA 19<sup>th</sup> Century Documents Collection. Laurens County Library. Laurens County, Georgia.

<sup>107</sup> "Constitution of North Carolina: December 18, 1776," *Avalon Project: Documents in Law, History and Diplomacy*, accessed August 20, 2022, [https://avalon.law.yale.edu/18th\\_century/nc07.asp#1](https://avalon.law.yale.edu/18th_century/nc07.asp#1); "Constitution of South Carolina – March 26, 1776," *Avalon Project: Documents in Law, History and Diplomacy*, accessed August 20, 2022, [https://avalon.law.yale.edu/18th\\_century/sc01.asp](https://avalon.law.yale.edu/18th_century/sc01.asp); "Constitution of South Carolina – March 19, 1778," *Avalon Project: Documents in Law, History and Diplomacy*, accessed August 20, 2022, [https://avalon.law.yale.edu/18th\\_century/sc02.asp](https://avalon.law.yale.edu/18th_century/sc02.asp); "Constitution of Georgia; February 5, 1777," *Avalon Project: Documents in Law, History and Diplomacy*, accessed August 20, 2022, [https://avalon.law.yale.edu/18th\\_century/ga02.asp](https://avalon.law.yale.edu/18th_century/ga02.asp); Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 172-174.

they were valuable assets in the consumer market and further they were the most valuable asset in the determination of material values. When the ladies boycotted certain goods or even marriages in response to taxation policies there is centrally stalled economic growth for in nation and for other families. Their methods of boycott, relying on the use of their own spinning wheels, refusing to buy the goods imported by Britain, refusing marriage on the grounds of character, were not revolutionary concepts even by the standards of the eighteenth century. Activities such as spinning one's own yarn to make clothing was a feminine pastime, managing households on their own, not an unfamiliar situation to women. It had long been an accepted tradition that women could refuse a man as her husband on the grounds that he behaved dishonorably or her family could refuse him on the same grounds and that their political allegiance did not match well enough. Even the accompaniment of women in the army was not necessarily a new concept.

Women in ancient times did accompany the army for a multitude of reasons. In the eighteenth century, it was simply more inconvenient if they were far away from home. A woman participating in military activity took many forms. By protecting arms and ammunition, supplying food, medical aid, and other resources, women from the Carolinas and Georgia led the Revolutionary Era in becoming republican women. These were not new examples of what women had done in the past, just in a new context. The change in status of women came after the conflict. Women although they had participated in roles that they had done for many years, were still not permitted to occupy the same station as a man in the public venue of politics. For many women their status after the conflict was reduced because during the event they were not seen to be soldiers, merely bystanders. Therefore their actions were interpreted as a continuation of a medieval perception of women.



## Chapter Six: People of Color, Free and Enslaved, in the War of Independence: Defying Perception and Fighting for Freedom

“When we see a -whole nation doing honor to the memories of one class of its defenders, to the total neglect of another class, who had the misfortune to be of darker complexion, we cannot forego the satisfaction of inviting notice to certain historical facts, which, for the last half century, have been quietly elbowed aside as no more deserving of a place in patriotic recollection than the descendants of the men to -whom the facts in question relate have to a place in a fourth of July procession, [in the nation's estimation.] Of the services and sufferings of the Colored Soldiers of the Revolution, no attempt has, to our knowledge, been made to preserve a record. They have had no historian. With here and there an exception, they have all passed away, and only some faint traditions linger among their descendants. Yet enough is known to show that the Free Colored men of the United States bore their full proportion of the sacrifices and trials of the Revolutionary War.”<sup>1</sup>-John E. Whittier July, 1847

The status of free and enslaved people of color as subjects of the Crown during the later years of colonial America is controversial. A subject of the Crown was a free person. In colonial Georgia and the Carolinas, to be a subject of the Crown meant that males had to submit to military activity upon a certain age.<sup>2</sup> Colonial law prohibited military service to people of color regardless of their status as free or enslaved. Only when slave owners gave permission or militia groups called for the enlistment of slaves or free people of color allowed for exceptions to the 1740 Negro Law.<sup>3</sup> The legal juxtaposition therefore became free people of color did not have the

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<sup>1</sup> John W. Whittier, Quoted in William Cooper Nell, *Services Of Colored Americans, In The Wars Of 1776 And 1812* (Boston: Prentiss & Sawyer, 1851), 3.

<sup>2</sup> “The Fundamental Constitutions of Carolina: March 1, 1669,” 116, *Avalon Project: Documents in Law, History, and Diplomacy*, accessed January 20, 2022, [https://avalon.law.yale.edu/17th\\_century/nc05.asp](https://avalon.law.yale.edu/17th_century/nc05.asp); Roy E. Barnes and Great Britain, *Georgia's Charter of 1732* (Athens: University of Georgia Press, 2021), 19-63; J.R. Maddicott, “The Oath of Marlborough, 1209: Fear, Government, and Popular Allegiance in the Reign of King John,” *The English Historical Review* 126, no. 519 (2011): 281-318, <https://www.jstor.org/stable/41238641>; Carl Stephenson, “The Origin and Significance of Feudalism,” *The American Historical Review* 46, no. 4 (1941): 802, 804, <https://www.jstor.org/stable/1841824>; “Charter of Georgia, 1732,” *Avalon Project: Documents in Law, History and Diplomacy*, accessed August 20, 2022, [https://avalon.law.yale.edu/18th\\_century/ga01.asp](https://avalon.law.yale.edu/18th_century/ga01.asp); J. Oglethorpe to Earl of Egmont, Trustees for Establishing the Colony of Georgia in America, "Letters from Georgia, v. 14204, 1739 June-1740 June," 1739-06/1740-06, October 1, 2022, [http://dlg.galileo.usg.edu/do:guan\\_ms1786\\_ms1786-14204](http://dlg.galileo.usg.edu/do:guan_ms1786_ms1786-14204).

<sup>3</sup> “Negro Act of 1740 (Excerpt),” in *The Colonial Era, 1600–1754*, edited by Jennifer Stock, Vol. 7 of *American Eras: Primary Sources* (Farmington Hills, MI: Gale, 2015), 275-278, *Gale eBooks* (accessed May 1,

status of a subject of the Crown, even though they met every other prerequisite for being so. Revolutionary ideology adopted more antiquated meaning of the terminology of citizenship. To be a citizen in the Roman era meant that one had to provide military service. It was also a means by which one could achieve citizenship status and break away from the status of slavery.<sup>4</sup> The capability demonstrated by people of color during the American War of Independence in the Carolinas and Georgia in service to the patriotic cause proved they met the criteria for citizenship.

There has then many academic works published in the past century on the topic of African Americans and the revolution, the Carolinas and Georgia, and other combined subjects related to the Revolutionary Era. However, there has yet to be detailed, cumulative research on the change of status of people of color from the Carolinas and Georgia who served in the military conflict. People of color who served Nathaniel Greene, William Moultrie, Benjamin Lincoln, John Laurens, and even those who served to alert their owners of British troop movements were vital to the war effort. Those who served in a naval capacity were extremely important because they made seafaring a fluid experience for the colonial navies. In the militia and regular continental armies, people of color who served as scouts, regular soldiers, at the camps and even servants bolstered the advantages of the Patriot military forces.

During the Revolutionary Era, the mere concept of natural rights, citizenship, and slavery were contradictory to American colonists. Natural rights were immutable. All living human

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2024); Douglas R. Egerton, "Chapter 20: Slave Resistance," in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 454.

<sup>4</sup> Suetonius, *The Lives of the Caesars: Augustus* (Loeb Classical Library, 1913), 49.2; Cassius Dio, *Roman History*, vol. VI (Loeb Classical Library Edition, 1917), LIV.25.6.

beings have natural rights. By nature all human beings are equal to one another from birth.<sup>5</sup> However, status as subjects of the Crown informed the natural rights allotted to the people. It was then necessary to determine who was a British subject and who was not. By the late eighteenth century, a combination of ancient philosophies and the development of English geopolitics informed a person's status as a subject.<sup>6</sup> According to ancient philosophers such as Aristotle and Plato, both of whom American colonists were well aware of, slaves were people who were under the control of another person or group. Because they were under the control of another entity they were presumed to have no ability to rationalize for themselves and could not participate in public order. It is because of this that they were not considered citizens, they could not participate in public politics.<sup>7</sup> However in the ancient times a person's status as a slave was

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<sup>5</sup> T. V. Smith, "SLAVERY AND THE AMERICAN DOCTRINE OF EQUALITY." *The Southwestern Political and Social Science Quarterly* 7, no. 4 (1927): 337-339, <http://www.jstor.org/stable/42880607>.

<sup>6</sup> Fred D. Miller, Jr., *Nature, Justice, and Rights in Aristotle's Politics* (Oxford: Oxford University Press, 1995); Roderick T. Long, "Aristotle's Conception of Freedom," *The Review of Metaphysics* 49, no. 4 (1996): 775-802, <https://www.jstor.org/stable/20129942>; Thomas Hobbes, *On the Citizen [De Cive]*, ed. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998), 8.4; Charles F. Mullett, "Coke and the American Revolution," *Economica* no. 38 (1932): 460-461, <https://doi.org/10.2307/2549144>; George Lawson, *An examination of the political part of Mr. Hobbs his Leviathan* (London, 1657), 118; Thomas Hobbes, *The Elements of Law, Natural and Politic* (Oxford: James Thornton, 1888), 128; Mikki Stelder, "The Colonial Difference in Hugo Grotius: Rational Men, Slavery, and Indigenous Dispossession," *Post Colonial Studies* 25, no. 4 (2022): 565, 570, accessed July 26, 2023, <https://doi.org/10.1080/13688790.2021.1979297>; Malcolm Heath, "Aristotle on Natural Slavery," *Phronesis* 53, no. 3 (2008): 243-270, <http://www.jstor.org/stable/40387959>; Jean-Jacques Rousseau, *On The Social Contract Or Principles Of Political Right* (1762), Chapter 4, <https://web.viu.ca/johnstoi/rousseau/socialcontract.htm>; James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Va, by the University of North Carolina Press, 2014), 3-4, 30-32, 52-54; John Locke, *Two Treatises of Government*, ed. Peter Laslett, II (Cambridge, 1960), sec. 151; A. H. Carpenter, "Naturalization in England and the American Colonies," *The American Historical Review* 0, no. 2 (1904), 290, 295, 297-298, <https://doi.org/10.2307/1833367>; "The Fundamental Constitutions of Carolina: March 1, 1669," 107, 110, 116-117, *Avalon Project: Documents in Law, History, and Diplomacy*, accessed January 20, 2022, [https://avalon.law.yale.edu/17th\\_century/nc05.asp](https://avalon.law.yale.edu/17th_century/nc05.asp); James Ross McCain, *Georgia As A Proprietary Province* (Boston: Richard G. Badger, 1917), 229, 243; Ralph Betts Flanders, *Plantation Slavery in Georgia* (Chapel Hill: University of North Carolina Press, 1933), 4-9; Aristotle, *Politics*, trans. Benjamin Jowett, 350 B.C.E, *Internet Classics Archive*, accessed October 1, 2019, <https://classics.mit.edu/Aristotle/politics.htm>, I.1-2,5-6,13, I. 1260a, I.128a20-25, I.1327b27-28, III.14, VII.1334a; Plato, *Laws*, 720, 773e, 766b.

<sup>7</sup> Mikki Stelder, "The Colonial Difference in Hugo Grotius: Rational Men, Slavery, and Indigenous Dispossession," *ibid*; Jill Frank, "Citizens, Slaves, and Foreigners: Aristotle on Human Nature," *The American*

not a permanent condition. Self-purchase, military service, voluntary manumission, and petite marronage alleviated the condition of slavery.

In the Middle Ages, slavery was not a permanent condition, and it was not passed down as an inheritance.<sup>8</sup> Many of the same avenues of manumission were available. However during and from the time of the Middle Ages, England, later Britain, had changed its laws regarding natural born subjects due to people being born to one English parent in another country and increased colonization. Laws regarding citizenship in the American colonies were very similar to those in England. A few of the colonial charters required that male subjects submit themselves for military service and to take those of fealty.<sup>9</sup> What was still evident was that the status of ‘subject of the Crown’ was only allotted to people who were born free, those that were freeborn. This changed in the time of the Revolutionary Era and the Early Republic.

The participation of people of color, free and enslaved, in the War of Independence is of great interest to scholars. However, due to the lack of detailed primary documentation and contemporary circumstances a detailed analysis of their participation in specific regions is difficult to produce. As demonstrated in the previous chapter of this dissertation the late

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*Political Science Review* 98, no. 1 (2004): 91–104, <http://www.jstor.org/stable/4145299>; Gregory Vlastos, “Slavery in Plato’s Thought,” *The Philosophical Review* 50, no. 3 (1941): 289, 295, <https://doi.org/10.2307/2180538>.

<sup>8</sup> Holly Brewer, “Slavery, Sovereignty, and ‘Inheritable Blood’: Reconsidering John Locke and the Origins of American Slavery,” *The American Historical Review* 122, no. 4 (2017): 1042-1043, 1051, <https://www.jstor.org/stable/26576988>; Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World*, 35.

<sup>9</sup> James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Va, by the University of North Carolina Press, 2014), 3-4, 30-32, 52-54; John Locke, *Two Treatises of Government*, ed. Peter Laslett, II (Cambridge, 1960), sec. 151; A. H. Carpenter, “Naturalization in England and the American Colonies,” *The American Historical Review*, no. 2 (1904), 290, 295, 297-298, <https://doi.org/10.2307/1833367>; William Bacon Stevens, *A History of Georgia: From its First Discovery by Europeans to the Adoption of the Present Constitution in MDCCXCVIII* (New-York: D. Appleton and Co., 1847-1859), 155; Flanders, *Plantation Society*, *ibid*; Brad Hinshelwood, “The Carolinian Context of John Locke’s Theory of Slavery,” *Political Theory* 41, no. 4 (2013): 568, <http://www.jstor.org/stable/23484595>.

eighteenth century in British colonial America saw great struggle between the British motherland and that of the colonies in America. This struggle stemmed from not only the actions of the British government but the ideologies permeating society. People's thoughts centered on concepts such as natural rights and liberties. The political philosophies, concentration on religious revivals, and the various military conflicts ensured that people were aware of the consequences of the actions of government and they questioned those actions as violations of their rights as 'free born' citizens.<sup>10</sup> Guaranteeing the rights of Englishman, particularly freeholders, has always been at the forefront of early American colonial history as demonstrated in the colonial charters of the Carolinas and Georgia.

A person's freedom is what dictated their status above all else. The fight that ensued during the 1770s and 1780s was to secure the liberties of the colonials as freeborn Englishmen against a tyrant. Without King George's and the British Parliament's actions in taxing the North American colonials without representation and various other abuses found in legislative actions the American War of Independence may not have occurred.<sup>11</sup> Even so the only reason this conflict may be termed a revolution was that it resulted in the formation of a new nation. Had the British and colonials come to an agreement or the colonials lost the conflict, it would have been more accurately known as a rebellion or civil war which it was up until the very end.

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<sup>10</sup> "Petition for Freedom to the Massachusetts Council and the House of Representatives," [manuscript] by an unknown author. [13 January 1777]. Jeremy Belknap Papers, Massachusetts Historical Society; Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York and London: W.W. Norton & Company, 2003), 379.

<sup>11</sup> Danby Pickering, "Great Britain: Parliament-The Quartering Act; May 15, 1765," *The Statutes at Large* (Cambridge: Bentham, 1762-1869) in the *Avalon Project: Documents in Law History, and Diplomacy*, accessed October 9, 2018, [http://avalon.law.yale.edu/18th\\_century/quartering\\_act\\_165.asp](http://avalon.law.yale.edu/18th_century/quartering_act_165.asp); Danby Pickering, "Great Britain: Parliament-The Quartering Act; June 2, 1774," *The Statutes at Large* (Cambridge: Bentham, 1762-1869) in the *Avalon Project: Documents in Law History, and Diplomacy*, accessed October 9, 2018, [http://avalon.law.yale.edu/18th\\_century/quartering\\_act\\_1774.asp](http://avalon.law.yale.edu/18th_century/quartering_act_1774.asp).

Nevertheless, the colonial allegations against the British reveal something very upsetting about the conditions of the supporting ideology. There was an obvious hypocrisy held by the colonists and citizens of the early American Republic. These same “Patriots” that fought for the independence of the colonies from a tyrant, were tyrants themselves, because of the institution of slavery which provided the backbone of the economy in the Carolinas and Georgia.

Like the historiography of women in the Revolutionary Era, the historiography of people of color during the same era has had a turbulent time in finding its place among academia. In fact, the historiography of women and people of color emerged side by side. Elizabeth Ellet published her work in 1848, William C. Nell published his work in 1855. Both authors published their works for specific reasons mainly for education and even for the education of women and people of color equally.<sup>12</sup> Ellet's work was written and published as a means to increase funding for schools. Nell's work was published with a stated purpose of advocating for abolition. Later scholarship did not truly occur for either the history of women or people of color until the Civil Rights Movement in the 1960s.<sup>13</sup> From that point the authors such as Benjamin Quarles advocated for the equal treatment of people of color due to their military service in the so-called American Revolution; Jordan Winthrop and Harris attempted to compile a big history on attitudes towards race in the Americas and the contributions made by people of color towards the society of the United States.<sup>14</sup> In women's history there had been many strides towards narrowing

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<sup>12</sup> Elizabeth F. Ellet, *Women of the Revolution*, Vol. 1-3 (Philadelphia: George W. Jacobs & Co., 1900), *Project Gutenberg*; William Cooper Nell, *The Colored Patriots of the American Revolution, With Sketches of Several Distinguished Colored Persons: To Which is Added A Brief Survey of the Condition and Prospects of Colored Americans with An Introduction by Harriet Beecher Stowe* (Boston: Robert F. Wallcut, 1855).

<sup>13</sup> M. Foster Farley, “The South Carolina Negro in the American Revolution, 1775-1783,” *The South Carolina Historical Magazine* 79, no. 2 (1978): 75–76, <http://www.jstor.org/stable/27567488>.

<sup>14</sup> J. William Harris, *The Hanging of Thomas Jeremiah: A Free Black Man's Encounter With Liberty* (New Haven and London: Yale University Press, 2009); Winthrop D. Jordan, Christopher Leslie Brown, and Peter H. Wood, *White over Black: American Attitudes Toward the Negro, 1550-1812*, Second edition (Chapel Hill, [North

the gap. Many of these historians based their work off the findings of primary source documents and of Elizabeth Ellet and William C. Nell.<sup>15</sup> More recent scholarship such as that written by J. William Harris and his work on Thomas Jeremiah provides a very enlightening view of the world in which people of color resided in in the southern region during the American War of Independence. It is evident that people of color most certainly had an impact on society and the military campaigns. The degree to which this effect had an impact may never be truly recognized however it would be a travesty not to consider the circumstances surrounding their involvement and the hypocritical standpoint of white Patriots.

As indicated earlier, the Age of Enlightenment did have an impact on colonial societies perspective of people of color and the institution of slavery. The Enlightenment led to multiple ideologies regarding people of color and the institution of slavery. As David Davis indicates in his cumulative work, it would have been expected that such revolutionary ideologies would lead to a militant abolitionism.<sup>16</sup> In a way it did but only in the North. In the North, after the American War of Independence, there was systematic adoption of measures to gradually abolish the institution of slavery. In the South the rate of increased from 1790 to the early 1800s. In both regions the percentage of free people of color also increased.<sup>17</sup> However this increase in

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Carolina: Published for the Omohundro Institute of Early American History and Culture, Williamsburg, Virginia, by the University of North Carolina Press, 2012); David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca, N.Y: Cornell University Press, 1975); David Brion Davis, *The Problem of Slavery in Western Culture*, New Edition (New York, New York: Oxford University Press, 1988); Harold E. Davis, *The Fledgling Province: Social and Cultural Life in Colonial Georgia, 1733-1776* (The University of North Carolina Press, 2012); Daniel J. Tortora, *Carolina in Crisis: Cherokees, Colonists, and Slaves in the American Southeast, 1756-1763* (Chapel Hill, NC, 2015; online edn, North Carolina Scholarship Online, 21 Jan. 2016).

<sup>15</sup> Farley, "The South Carolina Negro in the American Revolution, 1775-1783," 82.

<sup>16</sup> Davis, *The Problem of Slavery in Western Culture*, 391.

<sup>17</sup> Davis, *The Problem of Slavery in the Age of Emancipation*, Ch. 2.

percentage of free people did not supersede that of those enslaved. The philosophies in which the former colonials based their rationale on could be interpreted as supporting the institution of slavery as well as condemning it. Historical context would support the notion of freeing people for service and permitting full rights as citizens. However, the question remains how did people of color serve in the American War of Independence?

The contributions made by people of color in the southern theater of the American War of Independence is indisputable. No one can deny that people of all racial backgrounds, all economic backgrounds, played a part in this great conflict. However, due to the fact that Patriots in the North were seen to have embraced people of color more than those in the South bears significance. In the North, there was the Rhode Island Ethiopian regiment. There was no such regiment in the Carolinas or Georgia.<sup>18</sup> Although there was precedent for arming slaves, in the South it was undesirous to many to enlist African Americans, especially slaves, that even the free people of color were treated with prejudice.<sup>19</sup> This fear that perpetrated Carolinian and Georgian society manifested itself in many different ways. The first was that often people of color were accused of aiding the British. The second was that Patriots would impress enslaved people on the plantations of Loyalists. The impressment of slaves happened on both sides of the conflict and even those who willingly signed up, provided they were free to do so, served in capacities that were far below the ranks of free white men. The final way in which people of color who served in the southern theater were degraded was in the fact that they were not adequately rewarded for their service.

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<sup>18</sup> Gregory D. Massey, *John Laurens and the American Revolution* (Columbia, South Carolina: University of South Carolina Press, 2000), 4.

<sup>19</sup> Gregory D. Massey, *John Laurens and the American Revolution*, 140, n38, n39.



Although many African American soldiers of the American War of Independence in the Carolinas and Georgia are acknowledged in pension rolls and the correspondence of people like Nathaniel Greene, their rewards for service are much more ambiguous or unknown in many cases. The pension rolls available on the NARA archives will occasionally provide descriptors of these soldiers backgrounds. However, pension applications were completed many years after service. Even the 1790 Census record identified known African Patriots as being other free or mulatto but they do not provide information as to whether or not these Patriots were free before service or if they were manumitted as a result of service. Ned Griffin, Antigua, and Austin Dabney of the Carolinas and Georgia are three Patriots who are known to have acquired their freedom as a result of meritorious service. Their service to the Patriot cause was upheld in state courts.

No matter the occupation of people of color in the military of the Patriots there had been a standing precedent by which service in the military would or could result in manumission.<sup>20</sup> The records in the Carolinas and Georgia are very sparse considering this subject. Many of the pension records that are in existence indicate that the people of color who served had already been free. Thus, manumission for meritorious service was not possible. However, they were still deprived of the rewards given to white men who served honorably. Land grants and pensions were the primary rewards. Military pensions could be applied for by both the veteran and or their widow. There are some records of which the widows of colored veterans were rejected. The pension applications submitted by the veterans were often approved, however, it is interesting to see that their applications are different compared to white veterans.

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<sup>20</sup> Aline Helg and Lara Vergnaud, *Slave No More: Self-Liberation before Abolitionism in the Americas*, trans. By Lara Vergnaud (Chapel Hill: The University of North Carolina Press, 2019), 64-81.

Pension applications submitted by people of color are often accompanied by witness statements and occasionally by a statement made by a lawyer on their behalf.<sup>21</sup> Applications submitted by white veterans seem to lack the number of witnesses and do not often have a lawyer statement, just an allocution of their own actions during the war. There were also instances where African Americans served but did not file for a pension. There is proof that one man named Adam Negro served in the Third regiment of the South Carolina line, also known as the South Carolina Rangers, under the command of Colonel William Thompson with the enlistment date of January 1, 1778.<sup>22</sup> His file only notes that he was enlisted, there is no proof that he filed for a pension. Not filing for a pension most probably meant that people like Adam Negro passed away during the course of the conflict and that they were unmarried. Other records of people of color who served in the American War of Independence or more easily identified in pension applications if they had other relatives who also served and filed. One such application

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<sup>21</sup> Bibby Solomon, *US, Revolutionary War Pensions, 1800-1900, M804, Record Group 15* (Washington, D. C.: National Archives and Records Administration), S6644; "Deposition of Aaron Devaney from the pension file of Solomon Bibbie of North Carolina," Pension S6644, page 16, Records of Veterans Administration, "Revolutionary War Pension and Bounty Land Warrant Application Files," (M804, Roll 233), National Archives and Records Administration, Washington, D. C.; Schedule of property from the pension file of Absalom Martin of North Carolina," Pension S41800, page 5, RG 15, Records of Veterans Administration, "Revolutionary War Pension and Bounty Land Warrant Application Files," (M804, Roll 1637) National Archives and Records Administration, Washington, D. C.; Certificate of service from the pension file of Moses Carter of North Carolina. Pension S41470, page 12, RG 15, Records of Veterans Administration, "Revolutionary War Pension and Bounty Land Warrant Application Files," (M804, Roll 486) National Archives and Records Administration, Washington, D. C.; S. 41472, Joseph Case, Private, Company of Col. Lamb, N.C. Regiment of the Continental Army; *Case Files of Pension and Bounty-Land Warrant Applications Based on Revolutionary War Service, compiled ca. 1800 – ca. 1912, documenting the period ca. 1775 – ca. 1900*; US, Revolutionary War Pensions, 1800-1900; Records of the Department of Veterans Affairs, Record Group 15; National Archives Building, Washington, DC.

<sup>22</sup> Negro, Adam, Card Number: 37194122, Enlisted, Third Regiment of South Carolina commanded by Colonel William Thompson, page 1, RG 93, *Compiled Service Records of Soldiers Who Served in the American Army During the Revolutionary War, compiled 1894 – ca. 1912, documenting the period 1775 – 1784* (M881, Roll 0882) National Archives and Records Administration, Washington, D. C.

exist for a South Carolinian man named Morgan Griffin who served alongside his brother Gideon and Adam in Thompson's Third regiment.<sup>23</sup>

With regards to land grants, records in the Carolinas and Georgia are incomplete. The land grants as recorded in the Georgia archives do not mention many African Americans who served in the War of Independence, with an exception being Austin Dabney. Austin Dabney is known to have been one of the only people of color who not only served in the conflict and was manumitted due to his service as well as received land for his bravery after being denied at least once.<sup>24</sup> Antigua, a veteran from South Carolina is mentioned in the colonial and state records as having been rewarded with the freedom of his wife, Hagar, and their children.<sup>25</sup> The implication here is that Antigua and Hagar's former owners were reimbursed by the state and that his service was so great that it merited a meritorious manumission. Hagar and his children may have been manumitted as a result of his service and it is also possible that Hagar accompanied the military and therefore also served.

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<sup>23</sup> "Letter from the pension file of Morgan Griffin of South Carolina," Pension S18844, page 16, Records of Veterans Administration, "Revolutionary War Pension and Bounty Land Warrant Application Files," (M804, Roll 13) National Archives and Records Administration, Washington, D. C.; "Letter from the pension file of Gideon Griffin of South Carolina," Pension W8877, page 10, RG 15, Records of Veterans Administration, "Revolutionary War Pension and Bounty Land Warrant Application Files," (M804, Roll 131) National Archives and Records Administration, Washington, D. C.; "Deposition from the pension file of Gideon Griffin of South Carolina," Pension W8877, page 11, RG 15, Records of Veterans Administration, "Revolutionary War Pension and Bounty Land Warrant Application Files," (M804, Roll 131) National Archives and Records Administration, Washington, D. C.; "Pay Roll of Captain George Liddell's Company in the 3rd Regiment of So. Carolina Continental Troops commanded by Colo. William Thompson to the First of July 1779," RG 93, Revolutionary War Rolls 1775-1783, (M246, Roll 89) National Archives and Records Administration, Washington D. C.

<sup>24</sup> Sidney Kaplan and Emma Nogrady Kaplan, *The Black Presence In the Era of the American Revolution* (Amherst, MA: University of Massachusetts Press, 1989), 59-60; "An Act to Emancipate and Set Free Austin A Mulatto, Also Harry, A Negro Fellow," August 14, 1786, *Ad Hoc Collection*, Vol. D., Enrolled Acts and Resolutions, House and Senate, Legislature, RG 37-1-15, Georgia Archives, <https://vault.georgiaarchives.org/digital/collection/adhoc/id/582/rec/3>.

<sup>25</sup> Kaplan, *The Black Presence In the Era of the American Revolution*, 49-50; "An Ordinance For Enfranchising A Negro Woman And Her Child, Late The Property Of Mr. John Smyth," in David J. McCord and Thomas Cooper, *The Statutes at Large of South Carolina*, vol. 4 (Columbia, S.C.: A. S. Johnston, 1836-1841), 545.

With regards to the participation of women who were of African descent, free or enslaved, there were as previously demonstrated instances where their services coincided with white colonial and Loyalist women. These women took on many of the same duties as one another during the military campaigns. Those who remained enslaved on the plantations were often relied upon to perform the same duties that they had previously, but some stories of events demonstrate that they were particularly instrumental in relaying information to whomever was in charge of the plantations at the time.<sup>26</sup> There were versions of the stories of Martha Bratton and Rebecca Motte in which demonstrated that it was enslaved women who informed their mistresses that the British were in the vicinity and that they needed to prepare. These women also were very well informed as to the local plant life, they would have known which plants were edible and which plants were poisonous. Martha Bratton would have been able to poison the officers who demanded that she provide a dinner for them using this knowledge. Mammy Kate was another individual who was of supreme importance to at least one man. There are a few records of African American women who accompanied the army as servants and even more detailed as seamstresses to military officers. Henry Laurens acknowledged ‘Patty’ as a woman of color he hired out to John Lovejoy to make “men’s jackets and breeches,” on the *Santé* in the June of 1777.<sup>27</sup> However, people of color served in many capacities in the duration of the War of Independence, especially men.

The Great Awakening had an impact on all colonies. It awakened a sense of nationalism and self-identity. Individual religious leaders such as George Whitefield and Jonathan Edwards

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<sup>26</sup> Barbara B. Oberg, ed., *Women in the American Revolution: Gender, Politics, and the Domestic World* (Charlottesville: University of Virginia Press, 2019), 34, 38-40.

<sup>27</sup> Philip M. Hamer, ed., *The Papers of Henry Laurens*, 15 vols. (Columbia, S.C.: University of South Carolina Press, 1968-2003), XI, 137, 366-367.

especially had dominant roles in the purveyance of religion and ideology. However, in the Carolinas and Georgia, it was George Whitefield that had the most influence on people of color. He had the most influence because he not only disciple to individual families of the enslaved but because of his orphanage in Georgia. The orphanage was host to many different evangelical ministers during the Revolutionary Era. One such minister was that of David Margett, a free black preacher. Reverend David Margett, was known to have visited Charleston and in the midst of social and political tensions reimagined himself as a modern Moses.<sup>28</sup> Through his preaching he was leading his people to freedom. Freedom was a common theme of sermons, but from colored religious leaders the connotations took on a different meaning, a more dangerous one.

Even the great “anti-Loyalist,” George Galphin, who owned the Silver Bluff Plantation in South Carolina denied the presence of free black preachers on his estate.<sup>29</sup> Galphin had recently allowed the establishment of a black Baptist church to be instituted upon his plantation. On this plantation David George, a slave who would eventually abscond to the British lines was a well-known member of the Baptist clergy. Galphin had no issue with slaves and free people of color practicing religion so long as it did not upset the status quo. Particularly he did not care for the potential for dissension to the British lines. As a member of South Carolinas elite class Galphin was interested in his economic well-being and was so loyal to the Patriot cause that he even disowned Loyalist members of his own family in his will and testament. However, as British hostilities increased Galphin denied entrance of any Loyalist or free African American minister because of fear of potential uprising. It was because of the potential that free black preachers

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<sup>28</sup> J. William Harris, *The Hanging of Thomas Jeremiah*, 84-86.

<sup>29</sup> James W. St. G. Walker, “Blacks as American Loyalists: The Slaves’ War for Independence,” *Historical Reflections / Réflexions Historiques* 2, no. 1 (1975): 51, <http://www.jstor.org/stable/41298659>.

such as Liele and Palmer would impart knowledge of British activities such as the proclamation issued by Lord Dunmore and Sir Henry Clinton, that Galphin would not permit them to visit Silver Bluff Church.<sup>30</sup> Galphin had a very real fear to contend with, that of economic loss.

David George was the product of two slaves who came from Africa.<sup>31</sup> He reportedly told of his own volition that neither of his parents were Christians. He converted under the direction of another black man named Cyrus and George Liele, a free black missionary. When Christopher Galvin abandoned his home in in South Carolina, David George became a free man on the plantation.<sup>32</sup> He began to help the British by distributing food and holding services for other African American people in the area. He helped the British in this particular area but not on Tybee Island in Georgia. At least there is no record of him being on Tybee Island. It was suggested by Stephen Bull to Henry Laurens that it was better that any fugitive slave who could not be captured was to be shot on Tybee Island.<sup>33</sup> This order is demonstrative of the fact that

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<sup>30</sup> W. H. Brooks, *The Silver Bluff Church: A History of Negro Baptist Churches in America* (Washington, D.C.: Press of R. L. Pendleton, 1910), 8-9, *Documenting the American South*; Egerton, *Death or Liberty*, 84-89; W. B. Hartgrove, "The Negro Soldier in the American Revolution," *The Journal of Negro History* 1, no. 2 (1916): 116, accessed October 1, 2018, <https://www.jstor.org/stable/3035634>; John Dunmore, "Lord Dunmore's Proclamation"; "To George Washington from Lund Washington, 3 December 1775," *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Washington/03-02-02-0434>. [Original source: The Papers of George Washington, Revolutionary War Series, vol. 2, 16 September 1775–31 December 1775, ed. Philander D. Chase. Charlottesville: University Press of Virginia, 1987, pp. 477–482.]

<sup>31</sup> David George and John Rippon, "An Account of the Life of Mr. David George, from Sierra Leone in Africa; Given by Himself in a Conversation with Brother Rippon of London, and Brother Pearce of Birmingham," (London: 1973. First published in the Baptist Annual Register 1 (1790-1793)): 473–84; Brooks, *The Silver Bluff Church: A History of Negro Baptist Churches in America*, 6.

<sup>32</sup> Brooks, *The Silver Bluff Church: A History of Negro Baptist Churches in America*, 20.

<sup>33</sup> Brooks, *The Silver Bluff Church: A History of Negro Baptist Churches in America*, 8-9; Farley, "The South Carolina Negro in the American Revolution, 1775-1783," 77; Stephen Bull to Henry Laurens, March 14, 1776.

Patriots did view slaves as being not only property to be dispensed of but also of a Southern fear of loss of manpower.

The eighteenth century was a time of great economic prosperity for South Carolina and Georgia. North Carolina did experience some economic growth, but its coastal areas remained undeveloped in comparison to South Carolina and Georgia, hindering its ability to become a center of trade.<sup>34</sup> South Carolina, and Georgia became economically prosperous through the aid of large scale slave labor in the process of planting rice and indigo. By 1775, North Carolina, South Carolina, and Georgia boasted high population of enslaved people. The populations of slaves in the Carolinas were higher compared to Georgia. The slave population of North Carolina was much smaller than that of South Carolina. However, North Carolina also had a higher population of free people of color who were permitted to enlist in the Patriots military forces.<sup>35</sup> The reasons for the discrepancies in the demographics can be explained by the timing in which the colonies were established. The Carolinas were also established much earlier and immediately involved in the slave trade. South Carolina's history with Barbados and the slave trade led it to become the only colony on the mainland with a black majority as of 1708.<sup>36</sup> One historian

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<sup>34</sup> Daniel C. Littlefield, "Chapter 9: Colonial and Revolutionary United States," in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 210-211; Peter H. Wood, *Black Majority Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Alfred A. Knopf, 1975), 35-37.

<sup>35</sup> Hugh F. Rankin, *The North Carolina Continentals*, 2nd ed. (Chapel Hill: University of North Carolina Press, 2005), 16-17, 61-63, 87-88; Lorri Glover, *Eliza Lucas Pinckney: An Independent Woman in the Age of Revolution* (New Haven; Yale University Press, 2020), 183.

<sup>36</sup> Daragh Grant, "'Civilizing' the Colonial Subject: The Co-Evolution of State and Slavery in South Carolina, 1670-1739," *Comparative Studies in Society and History* 57, no. 3 (2015): 607, <http://www.jstor.org/stable/43908365>; Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake & Lowcountry* (Chapel Hill: University of North Carolina Press, 1998), 5-7, 16-17, 39-42; Peter H. Wood, *Black Majority: Negroes in Colonial South Carolina from 1670 through the Stono Rebellion* (New York: Norton, 1974), 54-55, 95-103.

provides a comparison of approximate slave populations between Chesapeake colonies, South colonies, and between South Carolina and Georgia around the time of the War of Independence, “there were 200,000 enslaved women and men in the Chesapeake colonies of Virginia and Maryland, comprising 40 percent of the population. Georgia’s Black population totaled 15,000 in 1773 (which was still equivalent to 40 percent of the population), and South Carolina’s enslaved population totaled 82,000 by 1770 (60 percent of the population).”<sup>37</sup> These approximations are important because they help to emphasize why the white slave owning Patriots of the southern region were so hesitant to allow the enlistment of people of color into Patriot forces. They feared internal rebellion.

It was during the so-called Revolutionary Era that Americans were becoming more aware. They were becoming more aware of their own consciousness, more aware that they were not Englishmen and more aware of their own prejudices. As Jordan Winthrop states:

Indeed the Revolution has been said to have been primarily a revolution in American consciousness. If this was the case in the realm of politics, it was even more so in the shadowy realm of communal intellect and self-identification. But it is impossible to separate completely the two realms, and their inseparability becomes apparent in the development of antislavery during the Revolutionary era. Indeed the assumption of heightening self-awareness in America serves to tie together apparently disparate developments in the period. Americans came to realize that they were no longer Englishmen; at the same time they grew conscious of their own "prejudices" concerning Negroes. As they began to question slavery, they began to see that there was a race problem in America and that it was necessary to assert the fundamental equality of Negroes with white men and to combat suggestions to the contrary. In doing so they embraced a mode of thought which for a half century was to serve the purposes of those who sought to achieve a viable national community. Environmentalism became an engine in the hands of republicans asserting their independence from the Old World. It was an integral aspect of the ideology of the Revolution, which itself was rooted in ideas about property and liberty and in the concept of equality. During the Revolution interesting transformations revealed themselves in that ancient concept: equality was naturalized, legalized, politicized, and nationalized. Perhaps these barbarisms do something to summarize what happened to

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<sup>37</sup> Karen Cook Bell, *Running from Bondage: Enslaved Women and Their Remarkable Fight for Freedom in Revolutionary America* (Cambridge: Cambridge University Press, 2021), 21.



attitudes toward Negroes in the Revolutionary era if they are set in the context of awakening self-consciousness in America.<sup>38</sup>

American acknowledgement of the institution of slavery as being contradictory to the ideologies typically espoused by the people in the eighteenth century as well as religious doctrine could usually be found in the writings of various Quakers. John Woolman, a famous Quaker, was one of the first to be attributed with the Quaker anti-slavery sentiment.<sup>39</sup> The various communities of Quakers in the Carolinas would suggest that they held similar ideologies and practices. Other groups in Georgia also practiced these same beliefs, such as the Salzburg's and the Moravians to an extent.

However, there were others during the years from the time of the Great Awakening until the War of Independence which demonstrated that there were other the people outside of the Quaker community who believed that slavery was just wrong. James Otis was one of these men.<sup>40</sup> Otis believed that the notion of liberty was better understood before the concept of a system of racially based slavery existed, before the Norman conquest. Political liberty, as well. Some men developed the conscious out of necessity. Henry Laurens would fall into this category. He supported the enlistment of people of color as it suited the needs of the nation.<sup>41</sup> The Patriots only reluctantly allowed the enlistment of people of color, free or enslaved. Even though in the

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<sup>38</sup> Jordan Winthrop, *White Over Black*, 270-271.

<sup>39</sup> John Woolman, *The Journal of John Woolman With and Introduction by John G. Whittier* (Boston and New York: Houghton Mifflin Company, 1909).

<sup>40</sup> Bernard Bailyn, *The Ideological Origins of the American Revolution* (Fiftieth anniversary ed. Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2017), 79-81.

<sup>41</sup> Bailyn, *ibid*; Henry Laurens, 1724-1792, Correspondence, 1775, (43/366) South Carolina Historical Society, Charleston, SC; Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence* (London; Chicago; The University of Chicago Press, 2012), 38-45; Tortora, *Carolina in Crisis*, 186-188.

southern department, or the southern theater of the military conflict the Patriot forces were decimated by defeats of Savannah and Charleston, the Patriots still did not adhere to the wisdom of allowing a mass enlistment of African Americans.<sup>42</sup> There are few detailed records of the military service of people of color from Georgia or the Carolinas. The allowance of enlistment for indigenous people is a separate issue from this point. There were men who tried to excuse the institution and those who simply did not acknowledge the problem of slavery as contradictory to the aims of the ideology which they used to support the war.

They were fighting against tyranny and yet held people in slavery in perpetuity. It is important to note that when Christopher Gadsden likened the colonists to slaves in the course of his support of the Non-importation Acts to that of slaves, he was speaking to the tyranny of the King not chattel slavery.<sup>43</sup> Under the English tradition that the colonials lived, which was still somewhat feudal, people who could fight for their freedom and liberty, be valuable contributors to society, had rights. This was reinforced by various colonial charters. There was no reason, other than a few colonial legislative actions taken after the establishment of the Carolinas and Georgia as well as slave rebellions, which were not standard throughout all thirteen colonies that people of color could not have the same rights as free white people. Many people of the founding generation had different opinions about what freedom was and who had the right to freedom as an American citizen.<sup>44</sup> Freedom was reserved for white men who were in possession of financial

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<sup>42</sup> Jordan, *White Over Black*, 302-303, 308, 310-311.

<sup>43</sup> *The South Carolina Gazette*, July 27, 1769; *The South Carolina And American General Gazette*, July 10, 1769.

<sup>44</sup> Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford: Oxford University Press, 2009), 23, 516-527, 540.

means. This is evident in the early Constitutions of the Carolinas and Georgia.<sup>45</sup> These Constitutions excluded not only women, but men who could not pay taxes and slaves and people of color. The American War of Independence was revolutionary in some broad, internal aspects. It was a radical notion, that even poor white men could participate in government decisions and were equal.<sup>46</sup> Attitudes towards the inherently oppressive institution of slavery slowly began to change, despite only a few slaves achieving freedom as a result.<sup>47</sup> The conflict was a revolutionary event for African American people especially when considering their military service and the ideology behind the conflict. Their military service helped open the doors for their inclusion as citizens. Although the inclusion of slaves and free men in the military was controversial, they played many integral roles in the Revolution as blacksmiths, teamsters, tailors, carpenters, sailors, couriers, soldiers, and spies, which when combined with the idea of freedom from tyranny behind the Revolution helped to instigate the abolitionist movement in the United States of America.<sup>48</sup> However, the revolutionary aspect of the inclusion of Africans in the military was limited. Especially, with regards to people of color in the Carolinas and Georgia.

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<sup>45</sup> Douglas R. Egerton, *Rebels, Reformers, and Revolutionaries: Collected Essays and Second Thoughts* (London: Routledge, 2002), 3-4.

<sup>46</sup> Douglas R. Egerton, *Rebels, Reformers, and Revolutionaries*, 3-4.

<sup>47</sup> William C. Nell, *The Colored Patriots of the American Revolution, with Sketches of Several Distinguished Colored Persons: To Which is Added A Brief Survey of the Condition and Prospects of Colored Americans with An Introduction by Harriet Beecher Stowe* (Boston: Robert F. Wallcut, 1855), 119, 121, 198, accessed September 10, 2018, *Google Books*; Jehu Grant, et al., "Pension Narratives of Revolutionary War Veterans, 1830," *America in Class: Fighting the American Revolution: America, 1763-1791*. 1830, accessed September 2018, <http://americainclass.org/sources/makingrevolution/war/text6/>.

<sup>48</sup> Walter B. Edgar, ed., *The South Carolina Encyclopedia Guide to the American Revolution in South Carolina* (Columbia: University of South Carolina Press, 2012), 7-9, accessed October 3, 2018, *ProQuest Ebook Central*; James W. St. G. Walker, "Blacks as American Loyalists: The Slaves' War for Independence," 57-58; "[Saturday March 23. 1776.]," *Founders Online*, National Archives, last modified June 13, 2018, <http://founders.archives.gov/documents/Adams/01-03-02-0016-0083>. [Original source: *The Adams Papers, Diary and Autobiography of John Adams*, vol. 3, *Diary, 1782-1804; Autobiography, Part One to October 1776*, ed. L. H. Butterfield. Cambridge, MA: Harvard University Press, 1961, pp. 373-375.]; Charles Royster, *A Revolutionary People at War: The Continental Army and American Character, 1775-1783* (Chapel Hill: University of North

One major factor in the reluctance of white Patriots in the Carolinas in Georgia to admit people of color, especially if they were enslaved, into the militias or the regular army and Navy was the prospect of potential slave insurrections. Although some authors in the 1970s would suggest that there were no attempts made by slaves to conspire against the white slave owning populations in the Carolinas and Georgia during the American War of Independence there is some evidence to the contrary.<sup>49</sup> The British had already been seen to conspire amongst themselves to influence enslaved peoples to abscond from the plantations to join the British lines. The British were also well aware that if they instigated slave insurrections in the South, the divided attentions would be of great benefit. Militarily the South would be divided.

Suspicion ran rampant throughout the colonies during the American War of Independence. This suspicion had more to do with the fear of slave insurrections, than actual violence. Historically, and especially in the Carolinas and Georgia, slave insurrections were not events which were in the distant past. They were in living memory and due to the colonies connections with the Caribbean there were frequent reports of the activities conducted in such places that Barbados, Jamaica, Saint Thomas, and Saint Croix.<sup>50</sup> The Stono Rebellion in South Carolina, was written about with such brevity that fear easily spread throughout the colonies. One observer wrote that the men were told who they were to kill beforehand, the women were to be used for their desires and the children were to be sacrifices.<sup>51</sup> Royal Governor of South

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Carolina Press, 2011), 242, accessed September 27, 2018, *ProQuest Ebook Central*; Douglas Egerton, *Death or Liberty: African Americans and Revolutionary America* (Oxford: Oxford University Press, 2009), 75, 84-89.

<sup>49</sup> Farley, "The South Carolina Negro in the American Revolution, 1775-1783," 75-78.

<sup>50</sup> Rugemer, *Slave Law and the Politics of Resistance*, 68-69, 159; Woody Holton, *Forced Founders*, 138-139.

<sup>51</sup> Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence* (London; Chicago; The University of Chicago Press, 2012), 3; Robert A. Olwell, "'Domestick Enemies': Slavery

Carolina James Glenn remarked that the colony had its own enemy in its slaves.<sup>52</sup> In the Revolutionary Era, men such as Henry Laurens were aware of these fears and some allowed those fears to rule over their decisions.<sup>53</sup> Georgia of course knew of this rebellion but it also was fearful of slave insurrections due to its history with Spanish Florida. As the slave populations of the Carolinas and Georgia were relatively high the white population took measures to prevent insurrections.<sup>54</sup> These measures were not unlike the measures taken by the colony of Virginia.

During the Revolutionary Era, the British were not as aware of the implications of their actions in some respects to others. Lord Dunmore was especially ill prepared to undertake the task of governing Virginia as evidenced by his actions.<sup>55</sup> When Lord Dunmore's Proclamation was issued in Virginia in 1775 it had a profound effect not only in that colony but especially in the colonies of South Carolina and Georgia.<sup>56</sup> It did alarm North Carolina however, North Carolina slave population was not as prosperous as the other two colonies and they were much more lenient with regards to the treatment of slaves. In Virginia, there had previously been a thwarted slave insurrection in 1774. When Dunmore issued this proclamation he followed it up

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and Political Independence in South Carolina, May 1775-March 1776," *The Journal of Southern History* 55, no. 1 (1989): 24, 27, <https://doi.org/10.2307/2209718>.

<sup>52</sup> Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence*, 3; Olwell, "'Domestick Enemies': Slavery and Political Independence in South Carolina, May 1775-March 1776," 24, 27.

<sup>53</sup> Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence*, 3; Olwell, "'Domestick Enemies': Slavery and Political Independence in South Carolina, May 1775-March 1776," *ibid.*

<sup>54</sup> Lorri Glover, *Eliza Lucas Pinckney*, 183.

<sup>55</sup> Harris, *The Hanging of Thomas Jeremiah*, 84

<sup>56</sup> W. H. Brooks, *The Silver Bluff Church*, 8-9, *Documenting the American South*; Egerton, *Death or Liberty*, 84-89; W. B. Hartgrove, "The Negro Soldier in the American Revolution," 116.

by securing the gunpowder from the colonial stores and placing it upon a British ship, *Magdalen*. This caused many elite Virginians, slave owners, to rise up especially in Williamsburg. Dunmore's defense was that he done it for the protection of the colony and was unaware of any attempted slave insurrections.<sup>57</sup> The colonial response was that Dunmore's actions made no sense, the taking of The gunpowder would diminish the colonies ability to put down a slave insurrection and the proclamation incited slave desertion and was contrary to colonial law.

News of this proclamation had reached all of the colonies in a very short expanse of time. Newspapers printed copies of the proclamation as well as various colonial responses. The Patriot perspective of the British accents was that they were attempting to incite insurrections. This fear was not unfounded in that insurrections led by people of color and those enslaved were usually instigated in times of the conflict. In South Carolina for instance, the Stono Rebellion occurred when the British were in conflict with the Spanish and in the colonies this had resulted in the War of Jenkins Ear, a European colonial conflict.<sup>58</sup> This particular conflict and subsequent slave rebellion, further increased white colonial paranoia regarding slaves. This paranoia lasted until the 1760s, with the Regulator Movement in North Carolina and South Carolina. The increased fears of banditry by both people of color and Native American groups in the back country were especially high amongst white colonials who did not feel as though the colonial assembly centered in the coastal area represent them and their interests.

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<sup>57</sup> Harris, *ibid*.

<sup>58</sup> Account of the Battle of Bloody Marsh, 1742, page 7, ah00634, Georgia Records from Duke University, Acc. 1988-0015M, Georgia Archives; Albert Harkness, "Americanism and Jenkins' Ear," *The Mississippi Valley Historical Review* 37, no. 1 (1950): 61-90, <https://doi.org/10.2307/1888755>.

During the years of the American War of Independence several newspapers from the Carolinas and Georgia produced advertisements for runaway slaves. This is not an odd occurrence before and after the conflict. What is unique about several of these advertisements for runaways is that they often provided a description of the slaves skill set. Some slaves because of their owners occupation and place of business had familiarity with the same type of trade. For instance if an owner had business that was related to newspapers, printmaking, a runaway slave might be accustomed to working in a print shop.<sup>59</sup> In 1777 a newspaper based in New Bern, North Carolina contained an advertisement regarding a runaway named Sam. Sam is described as being a sturdy well-made fellow of yellowish complexion. It is speculated that Sam would be going to either Virginia or Maryland. The article also pointedly told that Sam is a cooper by trade.<sup>60</sup> Coopers were tradesmen who fashioned casks or barrels for the transport of grain and liquid goods.<sup>61</sup> These barrels were also used to transport gunpowder. In short, coopers were tradesmen who fashioned containers that were used to transport a variety of substances that were vital on plantations, the sea, at home, but most importantly everyday life up to and including the military. Coopers were fixtures on ships and in cargo lines of the military expeditions.

Virginia and Maryland at this time were highly involved in the conflict. They were places in which the British were concentrated. In Virginia, Lord Dunmore's Proclamation had already influenced many enslaved Africans to flee from their owners to make it to the British lines in

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<sup>59</sup> *The Cape-Fear mercury*. [Wilmington [N.C.]], Nov. 24, 1769. *North Carolina Newspapers*, North Carolina Digital Heritage Center, <https://newspapers.digitalnc.org/lccn/sn83025834/1769-11-24/ed-1/seq-4/>.

<sup>60</sup> *The North-Carolina gazette*. [Newbern [i.e. New Bern], N.C.], Aug. 8, 1777. *North Carolina Newspapers*, North Carolina Digital Heritage Center, <https://newspapers.digitalnc.org/lccn/sn84026629/1777-08-08/ed-1/seq-3/>.

<sup>61</sup> Sara Whitford, "Coopers in Colonial America: Everything You Want to Know," Adam Fletcher Adventure Series by Sara Whitford, February 19, 2015, <https://adamfletcherseries.com/coopers-in-colonial-america-everything-you-wanted-to-know> (accessed May 2, 2024).

return for freedom. Although, the article states that Sam had family in Virginia and Maryland is also possible that he was trying to make it to the British lines or to Rhode Island from Maryland to join the Black regiment of Rhode Island. Sam was simply committing an act of petite marronage. Advertisements for the sale of slaves also detailed their skill sets. As with any for sale ad, the details as to the value of the merchandise was included to increase the profitability and value of they said merchandise. In South Carolina an ad was taken out in 1773 and listed these skills:

TWO NEGRO MEN, one WOMEN, and a BOY about fourteen of fifteen Years of Age. One of the Fellow is a very good Boatman and Sawyer; the other, and the Wench, are sine Field-Slaves. The Boy is as complete a Waiting-Boys as any in the Province, and sold for no Faule; the Reason for selling them being to raise a Sum of Money. Two Months Credit will be given, paying Interest From the Day of Sale, and giving Security if required. JOHN TIMMONS.<sup>62</sup>

During the time of the American War of Independence people were both trying to make money and simultaneously attempting to keep the institution of slavery alive. The institution of slavery was the backbone of the economy in the South. However, as the population of slaves and the population of free white slave owners in the South was disproportionate, the British policies of the utilization of slaves to distract American Patriots influenced those same Patriots to take a very hypocritical stance in their position of slavery. People were more mindful of slaves who had valuable skill sets absconding to British lines and also fearful that the ideas of freedom could result in slave rebellion. The newspaper ads were manifestations of these spheres alongside the trials of accused British sympathizers like Thomas Jeremiah.

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<sup>62</sup> *The South Carolina Gazette*, May 9, 1773, *Accessible Archives*.



Paranoia of slave insurrection and having to find a war against the British and the Loyalist members of the British Army had a very real impact in the decisions to allow the service of people of color in the Patriot forces of North Carolina, South Carolina, and Georgia. It also effected criminal law proceedings. The fears of the Carolinians and Georgians were not unfounded. The British carried away people on their slopes of war; Although the people the British carried away were usually slaves who had deserted plantations and the exact number of these people are unknown.<sup>63</sup> In Charleston, the fears of the ‘rice kings’ were very direct. They did not want the British to have intimate knowledge of the waterways or have knowledge of the local plant life which could be used to help make medicine and to provide sustenance.<sup>64</sup> The people who had the most knowledge of the waterways were people of color who were free or enslaved. This knowledge came from their own history in Africa and the Caribbean.<sup>65</sup> An interesting case presented itself in 1775, the case of Thomas Jeremiah a free black pilot or sea captain.

In 1775 Thomas Jeremiah was accused of conspiring to allow and aid the British into the harbors of Charleston, South Carolina. The basis of this case hinged upon the testimony of two other people of color, Sambo and Jimmy, one of which recanted and was known as “an abominable liar.”<sup>66</sup> Even Henry Laurens and the royal governor of the time were in agreement

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<sup>63</sup> “The American Revolution in South Carolina - Port Royal Island,” n.d., [www.carolana.com, https://www.carolana.com/SC/Revolution/revolution\\_port\\_royal\\_island\\_1.html](https://www.carolana.com/SC/Revolution/revolution_port_royal_island_1.html) (accessed May 2, 2024).

<sup>64</sup> Daniel C. Littlefield, “Chapter 9: Colonial and Revolutionary United States,” in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 201-226.

<sup>65</sup> Daniel C. Littlefield, “Chapter 9: Colonial and Revolutionary United States,” 201-226.

<sup>66</sup> Laurens, Correspondence, 1775, (43/366).

that Thomas Jeremiah was being and justly accused and trialed. Thomas Jeremiah was a free person of color, therefore he should not have been prosecuted the way he was. His trial was conducted in accordance with the Negro Law of 1740 which applied to both free people of color and enslaved people.<sup>67</sup> The South Carolina Negro Law of 1740 was enacted after the Stono Rebellion and it contained severe punishments for those who were found guilty of inciting insurrections, namely death and jury without a trial.<sup>68</sup> There were also people in the South Carolina colonial judiciary in which argued that because the evidence was lacking, that prosecution failed to prove intent and because the witnesses were biased and one recanted that by law his trial should not have continued.<sup>69</sup> They based this upon the reasoning's of Montesquieu's the *Spirit of the Laws*. According to Montesquieu and even contemporary legal codes in order to be tried and convicted for conspiracy there had to be two witnesses and intent must be established.<sup>70</sup> Jeremiah Thomas's conviction and execution was agreed upon on the basis of fear and hearsay. It was a well-known fact that Africans had the experience on the seas, knowledge of the land, and had helped the British. It was also common sense that Africans were weighing the odds and siding with whomever they believed would help them obtain freedom and liberty. In

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<sup>67</sup> "Negro Act of 1740 (Excerpt)," in *The Colonial Era, 1600–1754*, edited by Jennifer Stock, Vol. 7 of American Eras: Primary Sources (Farmington Hills, MI: Gale, 2015), 275-278, *Gale eBooks* (accessed May 1, 2024), [https://link.gale.com/apps/doc/CX3620500100/GVRL?u=vic\\_liberty&sid=bookmark-GVRL&xid=4273d20a](https://link.gale.com/apps/doc/CX3620500100/GVRL?u=vic_liberty&sid=bookmark-GVRL&xid=4273d20a); Douglas R. Egerton, "Chapter 20: Slave Resistance," in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 454.

<sup>68</sup> "Negro Act of 1740 (Excerpt)," in *The Colonial Era, 1600–1754*, *ibid*; Douglas R. Egerton, "Chapter 20: Slave Resistance," 454.

<sup>69</sup> Alan Gilbert, *Black Patriots and Loyalists: Fighting for Emancipation in the War for Independence*, 37, 39-44; Philip M. Hamer, ed., *The Papers of Henry Laurens*, X. 320.

<sup>70</sup> Charles Montesquieu, *The Spirit of the Laws*, trans. Thomas Nuget (New York: Colonial Press, 1899), XII.17.

brutally trying and executing people like Thomas Jeremiah colonial courts were attempting to douse the spirit of slave rebellion.

The details the service of African Americans, or people of color, in service either the Patriots or even the British during the War of Independence are vague. In some cases these details are only known through pension records and later accounts taken some time later. The lack of information colored soldiers during the latter half of the eighteenth century has many causes. The first of which is the most important and that is the prejudice of white people at that time. The perspective of many was that African Americans were inferior and that acknowledging their service would undermine the economic infrastructure of the southern states. The details may be vague but through exhaustive research the crumbs of information may be found in archives in America and then in sources. American allies also kept records. There is also the relative instability of the colonial government and societal views of slaves.

The Patriots had on their side an alliance with the French. The French had no qualms of raising colored troops. In South Carolina and Georgia this is seen in the Siege of Savannah and the Siege of Charleston from 1778 to 1780. The siege of Charleston did not really involve the participation of people of color from France, but it is a well-known fact that Patriots utilized African Americans as laborers to build the defensive trenches around the city and as members of the South Carolina naval forces as of 1780.<sup>71</sup> During the course of the two sieges of Savannah,

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<sup>71</sup> William Edwin Hemphill, Wylma Anne Wates, and R. Nicholas Olsberg, eds., *Journals of the General Assembly and House of Representatives, 1776-1780* (Columbia: University of South Carolina Press for the South Carolina Department of Archives and History, 1970), 276-277; Eric G. Grundset, ed., *Forgotten Patriots: African American and American Indian Patriots in the Revolutionary War: A Guide to Services, Sources, and Studies* (National Society Daughters of the American Revolution, 2008), 583-584; William H. Drayton to Colonel Moultrie, "Orders to Colonel Moultrie to Send a Reinforcement to Dorchester to Protect the Cannon, Gunpowder, Stores, and Publick Records at That Place," November 9, 1775, in *American Archives Documents of the American Revolutionary Period, 1774-1776*, accessed October 1, 2018, <http://amarch.lib.niu.edu/islandora/object/niu-amarch:101984>; Tortora, *Carolina in Crisis*, 186.

the fighting did spill over into South Carolina.<sup>72</sup> African American troops on both sides of the conflict were known to participate in these engagements. During the event of the siege of Savannah thousands of women and children were evacuated to the nearby island of Hutchinson. During this evacuation they experienced many discomforts, the overcrowding of buildings and the decimation of crop yields in the effort to shelter and provide food. These evacuees were also highly aware of the three British galleys in the area and the American galleys as well. The galleys had on board at least 18 pounders, or cannons. These cannons were capable of not only destroying enemy ships but also fortifications on land.<sup>73</sup> The personnel of the armies were also of concern. The commander of the British troops in the area, Prevost, had on the island a number of Cherokee Native Americans and at least 200 armed African Americans. The estimates of the French troops are varied but they had at least 545 armed people of color. Yet, people still blamed the French for this societal upset. They believed that had they not armed enslaved Africans with weapons and promises of freedom that it would not have been necessary for Prevost and others like him to raise African troops.

The French raised a number of colored people from San Domingo that were Light Infantry and were overseen by three white officers. These companies were called *chasseurs volontaires*.<sup>74</sup> These troops were under the command of Comte d'Estaing. The number of troops from this group which participated in the Siege of Savannah in 1779 numbered about 800 people

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<sup>72</sup> David Ramsay, *The History of the American Revolution: In Two Volumes* (1789 repr. Indianapolis: Liberty Fund, 2012), 425.

<sup>73</sup> Alexander A. Lawrence, *Storm over Savannah The Story of Count d'Estaing and the Siege of the Town in 1779* (Athens: The University of Georgia Press, 2021), 81.

<sup>74</sup> George P. Clark, "The Role of the Haitian Volunteers at Savannah in 1779: An Attempt at an Objective View," *Phylon* (1960-) 41, no. 4 (1980): 356–66, <https://doi.org/10.2307/274860>.

of color.<sup>75</sup> Although these people were not American based the terms of their service were familiar to Africans in the former colonies because they performed the same functions. They joined the French on promises of freedom in return for military service. The story of African Americans in service to the French during the Siege of Savannah is vague. However, details as to the service of African Americans in other areas of the South are also vague because of the lack of primary documentation.

Attitudes towards slavery did change after the conflict as evidenced by the substantial uptick in the abolitionist movement heralded by people like the Grimke sisters of South Carolina. It is no doubt of interest that the Grimke sisters were the daughters of slaveholders. Their uncle, John Grimke even impressed slaves into continental service.<sup>76</sup> People began to acknowledge their own hypocrisy because of the ideology which supported the separation from Britain and the justification for the War of Independence. They acknowledged the service of their African comrades. However, only a few slaves obtained liberty in the aftermath of the war. Gordon S. Wood would argue that it was a revolutionary event and radical concept that white men of humble origins had the right to participate in politics as equals so long as they were of a certain age.<sup>77</sup> However this was not a fundamental change from English tradition or American colonial

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<sup>75</sup> Clark, "The Role of the Haitian Volunteers at Savannah," 362.

<sup>76</sup> John F. Grinke, "John F. Grimke to Unknown Recipient, 1770: Undated Fragment Refers To Military Acquisition Of Slaves," 1770, Grimke family papers, 1678-1977, MSS 0176 Box 01 Folder 05, Lowcountry Digital Library. College of Charleston Library, 1770-1779.

<sup>77</sup> Gordon S. Wood, *Empire of Liberty*, *ibid*; Gordon S. Wood, "Ideology and the Origins of Liberal America," *The William and Mary Quarterly* 44, no. 3 (1987): 628–640, accessed September 14, 2019, doi:10.2307/1939783; Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: Published for the Institute of Early American History and Culture at Williamsburg, Va, by the University of North Carolina Press, 2011); Gordon S. Wood, *The Idea of America: Reflections on the Birth of the United States* (New York: Penguin Press, 2011); Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1993), 220.

tradition. In fact, this tradition dates back to the ancient times when slavery was not usually a lifetime status nor was it racially based, freedom and citizenship was commonly obtained through military service.

During the American War of Independence, people of color, free and enslaved, fought for the Patriots and for the British. Some fought of their own volition and some fought because they were forced to. Those that fought because of their own desires did so because they believed that in fighting for either side they would gain their freedom. Americans were reluctant to voluntarily allow the enlistment of enslaved people into the military forces. Attitudes towards the armament of free people of color cannot be accurately ascertained due to the lack of contemporary writing on the subject. However, by analyzing the writings and publications of people such as George Washington, Henry Laurens, John Grimke, and Reverend Smith, early stances regarding the roles of slaves may be inferred.

Colonial society as a whole feared the armament of free people of color or slaves except in certain circumstances. Armament of people of color no matter their status were usually met with conditions that vary depending upon the region and upon the commanding officers. History taught the colonials that if slaves were given weapons, they would rebel against their owners, such is what happened in the Stono Rebellion in 1742 and in the various rebellions in the Caribbean.<sup>78</sup> They were perceived as being vagabonds and undisciplined. This perception was not dissimilar to how men viewed women in the same era. The service provided by individual people of color during the conflict challenged this perception.

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<sup>78</sup> John Woolman, *The Journal of John Woolman With and Introduction by John G. Whittier* (Boston and New York: Houghton Mifflin Company, 1909), 111.

In the latter half of the eighteenth century the ideologies and military conflict challenged the white populations perception of people of color, particularly enslaved people. As Winthrop D. Jordan demonstrates in his renowned work, *White Over Black*, the so-called ‘Revolution’ did represent a pivotal point for people of color.<sup>79</sup> However, Jordan is also correct when he emphasizes that both South Carolina and Georgia were the last colonies, former colonies, to enlist people of color despite the fact that the Continental forces desperately needed the manpower.<sup>80</sup> John Laurens and his father Henry Laurens, were among the very few people in South Carolina who advocated for the utilization of people of color in a military capacity.<sup>81</sup> Henry Laurens was more conservative in his beliefs, but letters to Governor Rutledge indicated that he believed a limited number of slaves should have been manumitted to serve.<sup>82</sup> Utilization is the key terminology here. They advocated for the use of people of color as tools rather than people. It was a form of dehumanization. In South Carolina and Georgia, African Americans, enslaved African Americans, were utilized as laborers to shore up the defenses around key cities such as Charleston and Savannah. There were some military leaders such as Benjamin Lincoln, the leader of Southern Department after General Howe who advocated for the drafting of black regiments.

Although much research has been conducted into the participation of African Americans in the War of Independence, there is a discrepancy when it comes to Georgia. It is an

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<sup>79</sup> Jordan, *White Over Black*, 302-303, 308, 310-311.

<sup>80</sup> Jordan, *White Over Black*, 308-311; John Laurens to Henry Laurens, February 2, 1778, in William Gilmore Simms, ed., *The Army Correspondence of Colonel John Lauren in the Years 1777–8* (New York: John B. Moreau, 1867), 114–18. <https://archive.org/details/armylaurensyear00johnrich/page/114>.

<sup>81</sup> George Massey, *John Laurens and the American Revolution*, 163, n23.

<sup>82</sup> *Ibid.*

acknowledged fact that Georgia had notably less participation of free people of color and voluntarily enlisted enslaved peoples.<sup>83</sup> The reasons for this are numerous. One reason is that Georgia had only been in existence for approximately half a century prior to the military conflict. In comparison to the rest of colonial America Georgia was new in all aspects. The relative newness of Georgia did not grant it immunity from the social and political upsets, nor of the economic ones. For a short interval of time, the colony of Georgia was a non-slave holding the colony. The Act of 1735 specifically forbade “the using of Negroes in any manner or way whatsoever in the province.”<sup>84</sup> The remaining British Colonies were in favor of slavery from the moment they were chartered. The Colony of the Carolinas even adopted the slave codes from Barbados. The economic design of Georgia was set up to promote self-sufficiency and to provide a defensive measure between South Carolina and potential enemies, the Native Americans and Spanish, who were known to aid fugitive slaves. However, some people in colonial Georgia saw the ban on slavery as detrimental to economic development. By 1753, the pressure from planters and concerns over the declining economy allowed for the ban on slavery to be lifted.<sup>85</sup> By the onset of the War of Independence Georgia held an estimated eighteen thousand people in forced servitude, in slavery.<sup>86</sup> Georgia like many other colonies had then reluctant to arm enslaved people and people of color that have been freed. This is proven in legislative acts. On January 8, 1776, the Executive Council in Georgia took action responding to racial upsets:

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<sup>83</sup> Grundset, *Forgotten Patriots*, 609-616.

<sup>84</sup> Grundset, *Forgotten Patriots*, 611; Betty Wood, *Slavery in Colonial Georgia, 1730-1775* (Athens: University of Georgia Press, 1984), 39.

<sup>85</sup> Betty Wood, *Slavery in Colonial Georgia*, 39.

<sup>86</sup> Grundset, *Forgotten Patriots*, 611, 612; Kenneth Coleman, *The American Revolution in Georgia, 1763–1789* (Athens: University of Georgia Press, 2021), 13.



Resolved, That houses of all overseers and Negroes throughout the Province, together with those on the Plantations in South Carolina, bordering on the Savannah River, below Purisburg, be forthwith searched and all guns and ammunition (except one gun and thirteen cartridges for each overseer) which shall be found therein, shall be taken and lodged in the hands of the Committee for the several Parishes and Districts. Ordered; That the Commanding Officer at Savannah be directed to send a party of men to search the said Plantations in South Carolina guns and ammunition to go to the public store in Savannah. Resolved, That the President do write the Council of Safety in South Carolina and represent the necessity that obligated this Board to order their Plantations to be searched.<sup>87</sup>

The preemptive action in disarming slaves and those most near to them, the overseers, is demonstrative of Georgians fears that slaves would be volatile. They were reacting to contemporary societal actions taken by both the British and Loyalist. They were also aware of recent histories of slave rebellions. By disarming the slaves, Georgians were taking preventative actions ensuring their own safety. In restricting the armament of overseers they were preventing slaves from being able to have access to more weapons as well as preventing African overseers from distributing weapons to those enslaved in taking action themselves. Despite the fact that legislation existed which shows that Georgia took actions prevent the participation of slaves in the military conflict, Georgia did utilize slaves in a different manner to help bolster defense of the area against the British. There were also people who were born free and served in the armed forces in Georgia as well as some slaves who did serve in the Georgia military units. The exact details of their service are for the most part unknown.

It is well known that people of color served in the militias and regular armies and navies of the continental forces. They served even among the French troops that were sent to aid the Americans against the British. The ways in which they helped to support the Patriot cause are

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<sup>87</sup> Allen D. Candler, *The Revolutionary Records of the State of Georgia*. 3 volumes (Atlanta: Franklin-Turner Company, 1908), I: 92.

numerous but at the same time due to the neglect of contemporary scholarship and history, vague. Because of the lack of primary source documentation and secondary scholarship conducted after the American War of Independence the exact number of people of color who served in the conflict are unknown. It is even more difficult to identify people of color according to the region from whence they came or where they served. It is evident that there was correlations between the methods of survival utilized in Africa and those required for success in the Carolinas and Georgia for whomever chose to capitalize on that experience. It is known that both Native Americans and Africans were similar in that they both utilized small watercraft to navigate inland waterways, canoes and pirogues.<sup>88</sup> It is also known that Africans, were able to become familiar with Native American languages. Familiarity with watercraft and local indigenous people our advantages to any side in a military conflict. The exact details of the specific duties of seafarers in the Revolutionary Era could be considered interchangeable between the British and American forces. The American colonists did adopt the practices of the British in many respects. They themselves were British and it would have been through this familiarity that their practices intermingled with each other. Therefore, even though not much detail exist as to individual seafarers of African descent from the Carolinas and Georgia it stands to reason that the same experiences that are detailed in studies conducted on the lives of sailors on British ships could apply to those on American ships.

The British were known to have accepted many African Americans who were familiar with the various waterways in the colonies on to their military vessels. The British also utilized

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<sup>88</sup> Daniel C. Littlefield, "Chapter 9: Colonial and Revolutionary United States," in *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2012), 209-210; Ray Costello, *Black Salt: Seafarers of African Descent on British Ships* (Liverpool: Liverpool University Press, 2012), 35, 105-106.

African Americans as scouts in and around the rural areas to circumvent attacks made by militia and continental army forces. A slave around the area of Savannah, Georgia was reported to have aided British regular troops under the command of Lieutenant-Colonel Campbell in navigating the swamplands to push out the Patriot General Howe in 1778.<sup>89</sup> Usually African Americans on British ships and American ships were taken in as lower ranked members of the Navy. As Ray Costello reports in his laudable work *Black Salt: Seafarers Of African Descent On British Ships*, it would appear as though the British had a history of having people of African descent on their vessels.<sup>90</sup> In facilitating the growth of academic interest on the history of naval history as it pertains to people of African descent, Costello emphasizes that up until the early twentieth century the British were desirous of African presence on naval vessels but were reluctant to promote even the freeborn seafarers for prejudicial reasons. Reluctance to promote enslaved seafarers was because of the fact that as they were considered property and not human beings they could also be captured or sold to enemy vessels. The British did not want to invest time and resources into property that was expendable.

Prior to the establishment of a permanent colony in the Americas, African seafarers had a higher probability of finding success in Europe. One example given by Costello was that of the sixteenth century naval diver Jacques Francis. Jacques Francis was a diver who recovered some of Henry VIII's ship *Mary Rose* and was called to court. When he was called to court he demonstrated that he was very articulate and highly educated.<sup>91</sup> Jacques Francis also identified

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<sup>89</sup> David Ramsay, *History of American Revolution*, 425.

<sup>90</sup> Ray Costello, *Black Salt: Seafarers of African Descent on British Ships*, *ibid.*

<sup>91</sup> Costello, *Black Salt: Seafarers of African Descent on British Ships*, 23-28.

himself as a *fumulus* instead of a *servus*.<sup>92</sup> The difference being the perception of one being more socially advantageous and the other the result of being captured in war or as a person who was in service and repayment for committing a crime. Costello also emphasizes that some of the more educated people of African descent in the Americas were able to leave a record of their service. Equiano was one and John Marrant is another.

John Marrant was impressed into the British Royal Navy as a musician aboard the HMS Princess Amelia. The occupation of musician may seem unimportant however in most types of work in which there is repetitive motion being conducted music is highly beneficial in that the rhythm helps to promote efficiency. Sea shanties were work songs that would have been sung or played on naval vessels. The rhythm of these songs would have corresponded to the physical activities involved.<sup>93</sup> These men would not have only been musicians but they would have been responsible for the completion of regular task such as cooking and making sure that the ship decks were clear of any obstacles that would impede the work of other servicemen. In addition to the completion of this work musicians and cooks, as well as members of the Navy which were unranked, such as the powder boys or the powder monkeys, would have still experienced the same hardships of being on a naval vessel. They were the ones who would have been more at risk if the vessel was boarded by an enemy combatant. White naval men who were taken prisoner by either the British or the Americans were treated with the greatest humanity, while black naval members were often at risk of losing their lives.

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<sup>92</sup> Costello, *Black Salt: Seafarers of African Descent on British Ships*, 26.

<sup>93</sup> Costello, *Black Salt: Seafarers of African Descent on British Ships*, 26; Walker, "Blacks as American Loyalists: The Slaves' War for Independence," 56.

What is known about Patriot naval demographics is that people of color comprised at least 10% to 20% of the naval forces.<sup>94</sup> This is overwhelmingly superior to that of those who served in the militia and army. The reasons why people of color would have been impressed or enlisted in the Patriot naval forces, including as privateers are numerous.<sup>95</sup> One, they may have not had a choice. Both British and Americans were known to have impressed slaves into service. Two, people of color even as of the late eighteenth century were known to have been capable pilots in their own right.<sup>96</sup> Historically, in the Carolinas and Georgia specifically, people of color had experience in traveling waterways. Aboard ships skills such as carpentry and even cooks and Coopers would have been extremely useful as naval laborers. Not only could people of color navigate ships, they could further help naval personnel using these skills. The carpenters would be responsible for the upkeep of the ships and the coopers would be responsible for the maintenance of the containers of gunpowder even cannonballs, and every military force no matter if they were army or naval required sustenance.

The British and Loyalists were not the only ones to employ musicians in the field. There were a few musicians that were known to have been of African descent from the Carolinas and

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<sup>94</sup> Emily Blanck, *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts* (Athens: University of Georgia Press, 2014), 66.

<sup>95</sup> Kenneth A. Daigler, *Spies, Patriots, and Traitors: American Intelligence in the Revolutionary War* (Georgetown University Press, 2014), 236, <http://www.jstor.org/stable/j.ctt6wpkz8>.

<sup>96</sup> Harris, *Hanging of Thomas Jeremiah*, 15, 26, 84-86; Alan Gilbert, *Black Patriots and Loyalists*, 37, 39; Graham Russell Gao Hodges and Alan Edward Brown, eds. *Pretends to Be Free: Runaway Slave Advertisements from Colonial and Revolutionary New York and New Jersey* (New York: Fordham University Press, 2019), 76, 112-113, 251, 348; Don N. Hagist, *Wives, Slaves, and Servant Girls: Advertisements for Female Runaways in American Newspapers, 1770-1783* (Chicago: Westholme Publishing, 2016), 47; Thomas Brown and Leah Sims, *Fugitive Slave Advertisements in the City Gazette: Charleston, South Carolina, 1787-1797* (Blue Ridge Summit: Lexington Books/Fortress Academic, 2015), 24, 198, 227; Peter Timothy, *The Gazette of the State of South Carolina*, July 14, 1777, *Accessible Archives*; Charles Crouch, "Savannah," *The South Carolina Gazette And Country Journal*, March 12, 1771, *Accessible Archives*; Holton, *Forced Founders*, 133-134.

Georgia. More information is available about those from the Carolinas. Moses Bird was a musician. Bird served under the command of Colonel Thomas Polk in the 4<sup>th</sup> North Carolina Regiment in the company of Lewis from the July of 1776 to January 1778.<sup>97</sup> Given the dates of enlistment Bird mostly would have been at the Battle of Fort George in North Carolina in September of 1776 and in Pennsylvania the Battle of Brandywine on September 11, 1777, and Germantown in Pennsylvania on October 4, 1777. However, as the Battle of Fort George was not a major battle, it only involved two known Patriot companies, neither under Lewis, it is more likely that Bird served at the Battles of Brandywine and Germantown.

The racial status of Adam Negro is obvious in his name. He was certainly a person of color. However, the fact that his enlistment record does not Provide any information as to his rank or occupation in the military leaves him open to speculation. It is likely that Adam Negro was enlisted as a substitute for another person. The fact that he served in the third regiment of the South Carolina line implies that he was not a mere servant. According to the compilation of the muster roll of the Third Regiment of South Carolina Adam was grouped in with the drummers, the fifers, and the soldiers who were otherwise unknown as to their service status. However, the fact that Adam served from 1778 and there is no proof that he did not die during the course of the conflict, suggests that he would have seen numerous important military engagements. From 1778 to the close of the military conflict, the third Regiment of the South Carolina line saw at least ten major battles. Among those battles were the Battle of Briar Creek in Georgia on May 3, 1779, the Siege of Savannah which occurred from September 16<sup>th</sup> to October 18<sup>th</sup> of 1779, and the Siege of

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<sup>97</sup> North Carolina DAR, *Roster of Soldiers from North Carolina in the American Revolution* (Baltimore: Genealogical Publishing Co., 1984), 116-117.

Charleston in the March of 1780.<sup>98</sup> The 1779 Siege of Savannah was highly significant for the Patriot forces. It was at this time that regiments in South Carolina and Georgia were practically obliterated by military failures and even diseases which caused mass desertions in the regiments.<sup>99</sup> They were fighting an uphill battle against a force that was superior in number and arms. These conflicts in which African Americans were involved with were heavily strife with tension. All military engagements were. However, the drummers and fifers along with scouts would have been deployed into the field first. they were the ones who would have been the first casualties of a military engagement. The purpose of drummers and fifers was not just to provide music but they were a means of providing a line of communication which carried orders such as retreat or advance.<sup>100</sup> If an opposing combatant were able to disrupt the lines of communication, thereby disrupting the sequence of battle, incapacitating a drummer or a fifer would be a huge advantage.

In the Carolinas and Georgia, specifically in Charleston, there was a network of Africans who participated in espionage efforts in part of the Patriot cause and of the British cause. As Daigler emphasizes however, their efforts were not as well-known as the efforts of regular soldiers. Daigler also provides three reasons as to the reason explanations as to the reasons why the espionage efforts of African Americans in particular during the American War of Independence were not as well-known as those in the Culpepper ring. The first reason is that

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<sup>98</sup> Lawrence, *Storm Over Savannah*, 23.

<sup>99</sup> Lawrence, *Storm Over Savannah*, 23-27.

<sup>100</sup> "Fifes & Drums | Colonial Williamsburg Foundation," N.d., [Www.colonialwilliamsburg.org, https://www.colonialwilliamsburg.org/explore/fifes-and-drums/#:~:text=During%20the%20American%20Revolution%2C%20one](https://www.colonialwilliamsburg.org/explore/fifes-and-drums/#:~:text=During%20the%20American%20Revolution%2C%20one) (accessed May 2, 2024).

there was the simple explanation of racial prejudice that was prevalent in the era.<sup>101</sup> The second explanation was that many African Americans, free people of color, or enslaved people, were illiterate.<sup>102</sup> Illiteracy was actually quite common even among the population of lower class white people in the Carolinas and Georgia.<sup>103</sup> Unfortunately, illiteracy also meant that these people would not leave diaries or journals to be read after the fact. The third reason which is obvious is that these people were participating in intelligence activities.<sup>104</sup> They were spies and to acknowledge their participation in espionage efforts would not only risk their lives but the military operations that were ongoing. There were significant reasons as to why the identity of spies were not made public knowledge. Even in the writings of General Greene and Henry Laurens of South Carolina this information is withheld. Most memoirs even identify intelligence officers in personnel only by pseudonyms or descriptors. In the case of people of color who acted as spies, the most common descriptor was that of Negro, mulatto, or slave. It is the same reasoning that military and government officials today will redact the identity of people who participate in espionage and intelligence activities. Nevertheless, there are a few people in which identities are known.

Precious little is known about individual spy masters of the American Revolutionary Era aside from the Culpeper ring, which still maintains a mysterious aura. Antigua was known first through the South Carolina legislative assembly to have assisted the Patriots gathering

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<sup>101</sup> Daigler, *Spies, Patriots, and Traitors: American Intelligence in the Revolutionary War*, 232-233.

<sup>102</sup> Daigler, *ibid.*

<sup>103</sup> David Hackett Fischer, *Albion's Seed: Four British Folkways in America* (New York: Oxford University Press, Incorporated, 1989), 717-718.

<sup>104</sup> Daigler, *Spies, Patriots, and Traitors*, 232-233.



information on the British.<sup>105</sup> The exact information that he relayed is unknown however, through the early state records it was cited that he and his wife Hagar were rewarded with freedom due to his services. He went behind enemy lines to gather that information.<sup>106</sup> The statutes at large of South Carolina further detail the previous ownership of Antigua and Hagar. Antigua was owned by the Harleston family and Hagar was owned by another family. The implications of this was that their marriage was either informal and permitted by their owners when their marriage occurred after the fact of their manumission.

The Harleston family was well known. They were planters in the low country and another one of their members, Isaac Harleston was a military officer in the continental and militia forces. What is interesting about the Harleston family, is that Antigua is not the only slave that was connected with espionage in South Carolina. Another slave by the name of Bailifo is mentioned in only one other document. In a letter written to Isaac Harleston by Reverend Smith, Bailifo is seen to have been complicit in relaying information as to British troop movements prior to the fall of Charleston.<sup>107</sup> As this particular family has more than one person to which is seen to have been active in intelligence activities common it can be inferred that there was a spy ring that was

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<sup>105</sup> Sidney Kaplan and Emma Nogrady Kaplan, *The Black Presence In the Era of the American Revolution* (Amherst, MA: University of Massachusetts Press, 1989), 49.

<sup>106</sup> Daigler, *Spies, Patriots, and Traitors: American Intelligence in the Revolutionary War*, 237; "An Ordinance For Enfranchising A Negro Woman And Her Child, Late The Property Of Mr. John Smyth," in David J. McCord and Thomas Cooper, *The Statutes at Large of South Carolina*, vol. 4 (Columbia, S.C.: A. S. Johnston, 1836-1841), 545; "An Act to Emancipate and Set Free Austin A Mulatto, Also Harry, A Negro Fellow," August 14, 1786. *Ad Hoc Collection*. Vol. D., Enrolled Acts and Resolutions, House and Senate, Legislature, RG 37-1-15, Georgia Archives, <https://vault.georgiaarchives.org/digital/collection/adhoc/id/582/rec/3>; Bernard Elliot, "4th South Carolina Regiment Order Book," *Lowcountry Digital Library*, South Carolina Historical Society, 1775-1778, <https://lcdl.library.cofc.edu/lcdl/catalog/lcdl:143875>.

<sup>107</sup> Robert Smith, "Robert Smith to Isaac Harleston, 1780," 1780, 11/226/11, Harleston family, Harleston family papers, 1779-1865, (1044.00) South Carolina Historical Society.

in place in the low country. In fact it is well known that the Patriot forces under General Nathaniel Greene received messages from couriers who were people of color.

William Moultrie gave credit to an unidentified person of color, describing him only as “a sensible, faithful Negro” as a person to whom relayed information that corrected the intelligence that he had previously relayed to General Benjamin Lincoln.<sup>108</sup> Information as to the exact troop movements benefited military leaders. It is an obvious advantage in military strategy. Knowing when and where the military opponents are going to be at any given time provides a distinct advantage because it allows military commanders to place their troops in positions where they will have the advantage in upcoming attacks and defensive positions. Intelligence activities in the American War of Independence centered upon an exact relay of information. People of color were not the only ones who participated in espionage efforts, but they seem to be the ones whom are most unacknowledged by history.

The Act of 1777 made it so that manumission was only permissible if the enslaved person in question have performed acts of meritorious service. The Revolutionary War allowed for this act to be utilized. Edward Griffin, otherwise known as Ned Griffin, was one such person who was not only manumitted but enfranchised based on the precedent of this act. Ned Griffin was an African American slave purchased by William Kitchen in North Carolina to act as his substitute in the American War of Independence. Griffin was promised freedom from Kitchen on the condition that he serve a full year in service on the Continental Line. The records of the General Assembly of the State of North Carolina show that Griffin had to sue for his freedom after

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<sup>108</sup> Moultrie to Benjamin Lincoln, May 15, 1779, William Moultrie, *Memoirs of the American Revolution*, 2 vols. (New York, 1802), I, 443; Benjamin Quarles and Thad W. Tate, *The Negro in the American Revolution* (Chapel Hill: University of North Carolina Press, 2012), 96.

William Kitchen refused to fulfill his part of the agreement. The result of Griffin's suit was favorable to him freeing him from the “yoke of slavery.”<sup>109</sup> The decision also permitted Griffin full rights of citizenship. Ned Griffin unlike Antigua and Austin Dabney was allowed to vote and participate equally in society, legally. He was fully enfranchised by law. Being manumitted was not enough to be considered a full citizen. Being manumitted and enfranchised was the key to true freedom and liberty in North Carolina.

Other African Americans who were enslaved were not so lucky in North Carolina. However, due to the states sizable population of Quakers there was a slight loophole. Quakers were reluctant slaveholders anyway due to their religious beliefs.<sup>110</sup> They were reluctant slaveholders and would permit the enslaved African Americans in their possession to live as free people of color. Their enslavement was more or less a formality to the Quakers. However, there were counter actions to these loopholes. The slaves of Quakers had to be provided for and if at any time they were abandoned, slaves could be seized and sold. In March 1783, military and social issues were brought before the South Carolina House of Representatives which conveniently for white Patriots would diminish the ability of African servicemen and promoted the enlistment of white men in the military. As a reward for service white men would be granted slaves.<sup>111</sup> This occurred after the 1780 Act which allowed for the enlistment of Africans and able bodied slaves to serve in the Navy and as laborers.

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<sup>109</sup> “Acts of the North Carolina General Assembly, 1784,” *Documenting the American South*, <https://docsouth.unc.edu/csr/index.php/document/csr24-0014> (accessed on November 23, 2023).

<sup>110</sup> Patrick Sowle, “THE NORTH CAROLINA MANUMISSION SOCIETY 1816-1834,” *The North Carolina Historical Review* 42, no. 1 (1965): 47–69, <http://www.jstor.org/stable/23517811>.

<sup>111</sup> Theodora J. Thompson, ed., *State Records of South Carolina: Journals of the House of Representatives 1783-1784* (Columbia: University of South Carolina Press, 1977), 214; Grundset, *Forgotten Patriots*, 583.

Although the ignition of the American War of Independence was the ideology of freedom from tyranny and the oppression of the British implementation of unfair taxes, the former American colonists were hypocritical in their stances. Tyranny is defined as “cruel and oppressive government or rule,” but Americans had taken a very Roman like view of liberty.<sup>112</sup> As Americans, mostly the founders themselves who were lawyers and statesman had a very classical education they were aware and influenced by the writings of Roman philosophers and statesman themselves, such as Cicero. Americans were of similar opinions to these Roman philosophers. As such like Cicero they would have believed that all members of democracies would have only been able to have had liberty as long as the condition that all of the members were without masters. However, as evidenced by the later debates between the federalist and the anti-federalists they were aware of the dangers of a majority tyranny, the romans would have called this excess liberty.<sup>113</sup> Aside from the knowledge of what and the conditions which would equate to tyranny, Americans were very much aware of the history of the development of slavery. They were aware of their own hypocrisy. But they were also aware of their own economic station. White slave owning Americans in the South were also aware that slaves outnumbered them, they were aware of how their mistreatment may have caused resentment, aware of slave revolts in living memory, and they were aware of how British policies could impact the institution of slavery and the direction of the military conflict.

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<sup>112</sup> Geoff Kennedy, “Cicero, Roman Republicanism and the Contested Meaning of Libertas,” *Political Studies* 62 (2014): 489, 494, accessed August 30, 2020, doi:10.1111/1467-9248.12037; Moira M. Walsh, “Aristotle's Conception of Freedom,” *Journal of the History of Philosophy* 35, no. 4 (Oct 01, 1997): 495, <http://ezproxy.liberty.edu/login?url=https%3A%2F%2Fwww.proquest.com%2Fdocview%2F1297302339%3Faccountid%3D12085>; Aristotle, *Politics*, trans. Benjamin Jowett, 350 B.C.E, *Internet Classics Archive*, accessed October 1, 2019, <https://classics.mit.edu/Aristotle/politics.htm>; Cicero, *De Republica*, Loeb Library edition (Cambridge: Harvard University Press, 1928), I.67; Cicero, *De Legibus*, Loeb Library Edition (Cambridge: Harvard University Press, 1928).

<sup>113</sup> Cicero, *De Re Publica*, I.67.

The American War of Independence was not of revolution for people of African descent especially if they were slaves at the time of the onset of the conflict. The ideologies of freedom and liberty did not immediately applied to people of African descent. The conflict did not result in their freedom. The conflict did not result in the mass abolition of slavery in the South. In fact, although the British did managed to evacuate many thousands of slaves from Georgia and South Carolina in accordance to the proclamations made by Sir Clinton and by Lord Dunmore, the Americans did not manumit many Africans who served in the American Revolution. During the course of the war, Patriots in South Carolina and Georgia initially attempted to further oppress African Americans. Africans were only reluctantly admitted into military service, in roles that were dismissive of the ideals espoused by Patriots regarding freedom. People of African descent in the South were largely prevented from serving in any other roles that that which were familiar to slaves, as laborers or as servants to military officers. Occasionally, they were deployed as couriers or spies.

It is evident that in North Carolina, South Carolina, and Georgia that the Patriots were very fearful of the activities undertaken by people of color. The Patriots were primarily fearful that the British policies would result in the loss of a labor force that was free to the white landowning colonists. If the institution of slavery fell, the establishment of a paid labor force would be detrimental to the fortunes of many in the South as demonstrated in the history of colonial Georgia.<sup>114</sup> Newspaper articles often listed the experience of runaway slaves during this time. The experience of color people on the seas was a big advantage to the British Navy as the

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<sup>114</sup> Flanders, *Plantation Slavery*, 12; William Bacon Stevens, *A History of Georgia: From its First Discovery by Europeans to the Adoption of the Present Constitution in MDCCXCVIII* (New-York: D. Appleton and Co., 1847-1859), 306.

low country was a place in which could be navigated by small watercraft. Also, Africans were utilized by the British as guides, spies, and for other useful services in the fight to put down a rebellion.

In Georgia and South Carolina it is well known that Africans were utilized more as laborers than as soldiers for the Patriots. This is due in part to the fact that this particular population of Africans were enslaved, free Africans could enlist, but the records are not clear as to whether or not this actually occurred. In North Carolina records are also misleading as to the racial identity of soldiers. What is evident in the few records that do exist is that the laws which permitted the enlistment of African Americans did not automatically state that service would equate to manumission. Manumission was granted between the owner and the slave after service have been completed. Another issue with the records is that the racial identity is not clear but that when further analysis is conducted as was accumulated by the Daughters of the Revolution, is that African Americans and Native Americans were often grouped in as colored soldiers.<sup>115</sup> Differentiating between Native Americans and African Americans is a very difficult undertaking, and it bears consideration that mixed heritages may have been possible as well. The type of service completed by colored Patriots is another factor to consider in the study of African Americans in the War of Independence.

In the South though there were at least two calls for the establishment of a black corps, many African Americans served in positions of laborers, waggoneers, wheelwrights, quartermasters, couriers, spies, seamen, and occasionally soldiers. The fact that these men still served in a vital role in the military does not detract from the quality of their service. Like white

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<sup>115</sup> Grundset, *Forgotten Patriots*, *ibid.*

soldiers they were at many times more important than a regular soldier. On a naval vessel, the powder boys were responsible for loading cannons and without them those cannons would not be loaded or fired. As laborers in Charleston and Savannah, enslaved African Americans were responsible for constructing defensive works around important cities often under fire from the British. As couriers and spies, African Americans were of vital importance for relaying information regarding troop movements and even messages between military commanders. Without that information the coordination of attacks and the placement of armies in the correct position would not have occurred. Although the conflict and the service of African Americans, free and enslaved, on the side of the Patriots did not result in an immediate revolution, it did further open the door for revolutionary ideology pertaining to the issue of slavery. In the immediate aftermath of the conflict, life continued on much as it had for African Americans. The door for abolitionism had been opened, but the slave trade in the Carolinas and Georgia was such an integral part of society and economics that separating the need for economic prosperity and wealth from the ideologies which dictated freedom and liberty was difficult. Although, the slave trade from Africa officially ended in 1808, from the end of the War of Independence through the nineteenth century the population of slaves in South Carolina and Georgia multiplied exponentially.

Slave demographics by the time of the onset of the American War of Independence in North Carolina, South Carolina, and Georgia show that there was an increase from what it had been when introduced in the inception of the colonies. The increase in population of slaves was due to importation, natural growth, and internal slave trade. The very fact that by the time of the war that quite a few people of color, who served in any capacity, were born in country leads to very interesting questions regarding their status as citizens. The English concept of being a

citizen meant that one had to be born on English soil or to English parents. The citizenship of Africans was in question due to their presumed prior status as enslaved people. Developments in legal theory prior to the colonization of the Americas, allowed for slaves to become citizens once they were acquitted of that station and or married a freeborn English citizen.<sup>116</sup> Another prerequisite for citizenship was that they had to be born on English soil.

For people of color in the American colonies, this development was complicated by the fact that slavery had become predicated upon the status of the mother, people were being born slaves. People of color born to free mothers by law were free. Citizenship therefore was a status in which could be granted to people of African descent if that person had not been a slave at any point themselves and they had to have been born on English soil, or in the colonies of England. This maybe one reason in which explains the denial of many African American Patriots to the rights of citizenship, particularly the lauded liberty and freedom enjoyed by so many white Americans.

Because African Americans, and other people of color, fought or participated in the American War of Independence they did in fact meet the prerequisites for citizenship status. As the conflict was primarily a political revolution, their service demonstrated that they had the

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<sup>116</sup> Thomas Hobbes, *On the Citizen [De Cive]*, *ibid*; Charles F. Mullett, "Coke and the American Revolution," *ibid*; George Lawson, *An examination of the political part of Mr. Hobbs his Leviathan*, *ibid*; Thomas Hobbes, *The Elements of Law, Natural and Politics*, *ibid*; Mikki Stelder, "The Colonial Difference in Hugo Grotius: Rational Men, Slavery, and Indigenous Dispossession," *ibid*; Jean-Jacques Rousseau, *On The Social Contract Or Principles Of Political Right*, Ch. 4-5; John Locke, *Two Treatises of Government*, ed. Peter Laslett, II (Cambridge, 1960), sec. 151; A. H. Carpenter, "Naturalization in England and the American Colonies," *ibid*; "The Fundamental Constitutions of Carolina: March 1, 1669," *ibid*; James Ross McCain, *Georgia As A Proprietary Province*, *ibid*; Ralph Betts Flanders, *Plantation Slavery in Georgia*, *ibid*; Jill Frank, "Citizens, Slaves, and Foreigners: Aristotle on Human Nature," *ibid*; Holly Brewer, "Slavery, Sovereignty, and 'Inheritable Blood': Reconsidering John Locke and the Origins of American Slavery," *The American Historical Review* 122, no. 4 (2017): 1042-1043, 1051, <https://www.jstor.org/stable/26576988>; Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World*, 35; James H. Kettner, *The Development of American Citizenship, 1608-1870*, 3-4, 30-32, 52-54; William Bacon Stevens, *A History of Georgia*, *ibid*; Flanders, *Plantation Society*, *ibid*; Brad Hinshelwood, "The Carolinian Context of John Locke's Theory of Slavery," *ibid*.



rationale to participate in public politics. They had the rationale to determine which side would best garner them the ability to achieve their goals, freedom from the institution of slavery. As many of the people of color who served in the conflict were born in the colonies or were related to someone who was, they met the English prerequisite of citizenship. This is proven by the fact that when observing the list provided by the Daughters of the American Revolution, many of the assumed colored Patriots were identified as mulattos.<sup>117</sup> They had at least one parent who was of English descent. Others were born in country, meaning they were born in the colonies. As records are scarce regarding their manumission in North Carolina, South Carolina, and Georgia it is almost impossible to determine whether or not white American Patriots were adhering to historical precedent regarding the allotment of citizenship status and natural rights. However, in observance of the state constitutions it is obvious that while some people of color may have been manumitted after the conflict they were not permitted the ability to exercise their natural rights as citizens of the United States of America.

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<sup>117</sup> Grundset, *Forgotten Patriots*, 551-624.

## Chapter Seven: Conclusion

The United States of America is not unique; the citizens of this nation enjoy a heritage that is not unique unto themselves. In fact, the majority of their heritage can be attributed to Great Britain and its medieval legal traditions. As many historians note that the society of the United States, including its legal traditions and government practices, are similar to those in Britain it cannot be said that America has its own entirely unique cultural heritage. The concepts which most Americans are most proud, liberty and freedom, are traced all the way back to the ancient Greeks and Romans through the Middle Ages of England and furthermore through the colonial era. The meanings of these words and how they relate to citizenship, women, and slavery have transversed through time in the history of America. They have evolved rather than been revolutionized.

Although historians such as Gordon Wood applaud the American War of Independence as being a revolutionary event in the history of United States of America, the reality is that there was more of a continuation of English tradition than there was of change.<sup>1</sup> The conflict did result in one undeniable change, this separation of the thirteen original colonies from the control of Great Britain. After the war they were no longer beholden to the governing practices of a monarchial system thousands of miles away. Instead, the government of the United States in the immediate aftermath of the conflict was based in the different confederate states, later to be combined into the United States of America under the ratified Constitution. The new republican nation was perceived by people like Philadelphia gentleman Thomas Shippen to be more virtuous, because “there were no hereditary distinctions, no "empty ornament and unmeaning

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<sup>1</sup> Gordon S. Wood, *Power and Liberty: Constitutionalism in the American Revolution* (Oxford: Oxford University Press, Incorporated, 2021), 54, 56; Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: Omohundro Institute of Early American History & Culture, 1998), 47.

grandeur," where only sense, merit, and integrity commanded respect and "that a certain degree of equality is essential to human bliss. Happy above all Countries is our Country," he exulted, "where that equality is found, without destroying the necessary subordination."<sup>2</sup> Even so the structure of the government was not all too different from the past.

Congress is made-up of two houses; the Senate and the House of Representatives is very much like that of the English Parliament where there is the House of Lords and the House of Commons. The executive branch of government is made-up of the President and the Vice President. When the Constitution was first ratified to form a federalist system of government, people even wanted to call George Washington the first president of the United States, His Excellency or the King.<sup>3</sup> The judicial branch of our government is not unlike those which were in existence in England. Many of the laws that were in place in the Early Republic were the exact same ones that were in place in England and its colonies. People in the latter half of the eighteenth century did not want to diminish their heritage as Englishman.<sup>4</sup> Originally the conflict was not about separating from Great Britain. It was about protecting their rights as English citizens. In the Early Republic people simply wanted to improve upon the system in which was already in place prior to the American War of Independence. In some ways these improvements did occur but only for white male citizens of the United States who owned property or could

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<sup>2</sup> Wood, *The Creation of the American Republic*, 47-48; Thomas Lee Shippen to William Shippen, Feb. 14-Mar. 16, 1788, in *Thomas Jefferson Papers*, 502-504; Thomas Paine, *The Rights of Man* (London, 1791), in Philip S. Foner, ed., *The Complete Writings of Thomas Paine* (New York: The Citadel Press, 1945) 1, 369.

<sup>3</sup> Joseph Ellis, *American Creation: Triumphs and Tragedies in the Founding of the Republic* (New York: Knopf Doubleday, 2007).

<sup>4</sup> Jack P. Greene, "The South Carolina Quartering Dispute, 1757-1758," *The South Carolina Historical Magazine* 60, no. 4 (1959): 193-204, <http://www.jstor.org/stable/27566251>; William S. Fields and David T. Hardy, "The Third Amendment and the Issue of the Maintenance of Standing Armies: A Legal History," *The American Journal of Legal History* 35, no. 4 (1991): 402-403, 405-407, 413-420, <https://doi.org/10.2307/845653>; Thomas S. Kidd, *God of Liberty: A Religious History of the American Revolution* (New York: Basic Books, 2010), 12, 16.

afford to pay a certain amount of taxes.<sup>5</sup> Citizenship came with a great deal of privilege, the primary one being that they could participate in politics by way of voting. For women and people of African descent, especially if they had been enslaved, the rights of citizenship remained in a feudal state just as it did in England.

Another point to make is that the concept of revolution was not a new concept at all to the American people. If it is accepted that for an event or ideology to be revolutionary then it must be sudden and result in a fundamental change, then it cannot be completely true that the American War of Independence was not revolutionary to people who lived in the Carolinas and Georgia. The conflict was not even revolutionary to the people in the other former colonies. This is especially so considering the cause of the conflict. Education in the colonial era may have been slightly skewed to the advantage of the wealthier but it was the wealthy who drove the protest and the military conflict, and who would eventually be the ones leading the government in the time of the early Republic.

The founding generation had a very dynamic education provided they were wealthy or industrious people. The lawyers and statesmen who would become known as the founding fathers typically attended universities such as William and Mary, Princeton, Columbia, Dartmouth, and Brown University. Others especially in the South were educated in England as lawyers or in businesses as apprentices.<sup>6</sup> They were by no means uneducated. The prerequisites

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<sup>5</sup> Douglas R. Egerton, *Rebels, Reformers, and Revolutionaries: Collected Essays and Second Thoughts* (London: Routledge, 2002), 3-4.

<sup>6</sup> Justin Roberts, *Slavery and the Enlightenment in the British Atlantic, 1750-1807* (Cambridge: Cambridge University Press, 2013); Locke, *Two Treatises*, 141, 269, 271, 379-280, 286, 315, 390; Jennifer Welchman, "Locke on Slavery and Inalienable Rights," *Canadian Journal of Philosophy* 25, no. 1 (1995): 67-81, <http://www.jstor.org/stable/40231899>; James Farr, "Locke, Natural Law, and New World Slavery," *Political Theory* 36, no. 4 (2008): 495-522, <http://www.jstor.org/stable/20452649>; James Farr, "'So Vile and Miserable an Estate': The Problem of Slavery in Locke's Political Thought," *Political Theory* 14, no. 2 (1986): 263-89, <http://www.jstor.org/stable/191463>; Charles Montesquieu, *The Spirit of the Laws*, trans. Thomas Nuget (New York:

for entrance into these universities were impressive. To be admitted into the colonial university men had to be conversational in Greek and Latin. These men had knowledge of the Roman political philosophies. Within their libraries they were familiar with the development of the laws of England.<sup>7</sup> Given that in most universities and schools in England the prerequisites alone were very difficult subject matters to master, it must be accepted that these men had knowledge of political theory and practice. They knew through trial and error where the governing system of Great Britain had failed. They were aided in this realization through the Enlightenment and even the Great Awakening.

The Enlightenment and the Great Awakening went hand in hand with the advancement of political theory in the colonial era. There was a prolific amount of political philosophies being exchanged in universities by word of mouth and through print.<sup>8</sup> Men were even writing about the

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Colonial Press, 1899), V; Thomas Ricks, *First Principles: What America's Founders Learned From the Greeks and Romans and How That Shaped Our Country*, Narrated by Jamie Lurie, *Audible*, Prologue-Ch. 1; Francis Hutcheson, *Francis Hutcheson: Two Texts on Human Nature*, ed. Thomas Mautner (Melbourne: The Cambridge University Press, 1993), 21; Mary Wynne Brazeal, "\$40.00 bill from E. Kirkley in Milledgeville for 3 months tuition and board for Mary and Elizabeth. E. Kirkley signature. Also list of items bought for the girls," 1814. File# 15. Pgs. 2. Original Laurens County, GA 19<sup>th</sup> Century Documents Collection, Laurens County Library, Laurens County, Georgia; Henry Flanders, *The Lives and Times of the Chief Justices of the Supreme Court of the United States: John Jay and John Rutledge* (New York: J. Cockcroft & company, 1875): 437-439; David Lee Russell, *Oglethorpe and Colonial Georgia: A History, 1733-1783* (North Carolina: McFarland & Company, 2006), 57; David Duncan Wallace, *The Life and Times of Henry Laurens, With a Sketch of The Life of Lieutenant-Colonel John Laurens* (New York and London: G. P. Putnam's Sons, 1915), 15; Robert Thornton, "The University of Edinburgh and the Scottish Enlightenment," *Texas Studies in Literature and Language* 10, no. 3 (1968): 416-420, accessed August 19, 2023, <https://www.jstor.org/stable/40755174>; David Ramsay, *History of South Carolina: From Its First Settlement in 1670 to the Year 1808* (1809; Newberry, SC: W. J. Duffie, 1858), 269.

<sup>7</sup> Daniel Hannan, *Inventing Freedom: How The English-Speaking Peoples Made The Modern World* (New York: Broadside Books, 2013), 112.

<sup>8</sup> Hannan, *Inventing Freedom*, 97-119; Charles F. Mullett, "Coke and the American Revolution," *Economica* no. 38 (1932): 460-461, <https://doi.org/10.2307/2549144>; Althea Stoekel, "Presidents, Professors, and Politics: The Colonial Colleges and the American Revolution," *Conspectus of History* 1, No. 3 (1976): 45, 50; Ricks, *ibid*, Ch. 3; Henry Flanders, *The Lives and Times of the Chief Justices of the Supreme Court of the United States: John Jay and John Rutledge* (New York: J. Cockcroft & company, 1875): 437-439; Robert Thornton, "The University of Edinburgh and the Scottish Enlightenment," *Texas Studies in Literature and Language* 10, no. 3 (1968): 416-420, accessed August 19, 2023, <https://www.jstor.org/stable/40755174>.

roles of women in the development of a progressive political society. They debated the rationale and justification behind the institution of slavery. In terms of education and the development of political theory, the Revolutionary Era in the Carolinas and Georgia, as well as the rest of the original British colonies of North America, was very progressive. However, the steps that were taken in this time were not so much revolutionary leaps of progressive actions as they were inching towards the opening of a door. There are reasons why African Americans, or people of color, especially if they were men and if they were active in the military gained more rights as American citizens before women did. Although these changes were not as evident as one would expect, they did occur. Changes occurred at the rate and at the similar to that of a feudal tradition inherited by the American people from their English ancestors. Those who could fight for their rights as citizens, were rewarded with those rights as citizens.

The lives of people of African descent in the years after the American War of Independence changed very little from those preceding the event. However, for those who were able to obtain freedom either as a result have meritorious service or through other means, it can be excerpt that in the Carolinas there were some changes which can be described as revolutionary. In census records starting in 1790 up until 1840, the entries for free people of color, particularly veterans, show them as being head of households and some even as owning slaves.<sup>9</sup> However, as historian Larry Koger states in his groundbreaking work, *Black Slave Owners: Free Black Slaves Masters In South Carolina, 1790-1860*, “the federal enumerations provide an array of statistical information to be compiled and analyzed, but the information can

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<sup>9</sup> Emily Blanck, *Tyrannicide: Forging an American Law of Slavery in Revolutionary South Carolina and Massachusetts* (Athens: University of Georgia Press, 2014), 112; Eric G. Grundset, ed., *Forgotten Patriots: African American and American Indian Patriots in the Revolutionary War: A Guide to Services, Sources, and Studies* (National Society Daughters of the American Revolution, 2008), 551-624.

be misleading.”<sup>10</sup> There was a brief flirtation with emancipation in South Carolina in particular. Emily Blanck gives the example of Charleston, South Carolina in 1790, “the twenty-five free blacks in Charleston exploded to more than nine hundred.”<sup>11</sup> The information contained within the census records can be misleading for quite a few reasons.

The primary reason for information regarding black slave owners and heads of household was that African Americans could be the head of household and yet the slaves within the household may not have belonged to them. Some slaves could belong to other members of the household such as the wife of the head of household or another member of the family. There were also instances where white slave owners would allow slaves to have other living arrangements. Allowing slaves to live somewhat independently lessened a financial burden for slave owners in the low country. It also meant that slaves could be easily hired out. Nevertheless, the fact that free people of color were beginning to be recognized as head of households was a change from the colonial era.

It was a rarity to find a minority in any colony after the Revolutionary Era, owning slaves. In South Carolina, there was a few known instances where people of African descent, minorities, owned slaves and usually they were not owned in any great number. Even the white population did not own a significant number of slaves per any one household. Slave ownership was very much a class-based system. In Camden, only the wealthy owned slaves and twenty-four slaves per household at that. The rest of the white population may have owned two to five slaves

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<sup>10</sup> Larry Koger, *Black Slave Owners: Free Black Slaves Masters In South Carolina, 1790-1860* (McFarland & Company, Inc., Publishers Jefferson, North Carolina, and London, 2012), 8.

<sup>11</sup> Emily Blanck, *Tyrannicide*, 112.

per household.<sup>12</sup> There was as of the early nineteenth century, a free black man named Bonds Conway who owned at least one slave at one point in his life. Bonds Conway had purchased his own freedom in 1793 and afterwards worked as a carpenter eventually owning several plots of land which passed on through his relation.<sup>13</sup> This example is a rarity in the history of the Carolinas and Georgia after the Revolutionary Era because the documentation is intact. It is also significant to mention that there is no known record of Bonds Conway participating in the American War of Independence. He would have been far too young to have participated at all. Some of the veterans of the conflict did however have slaves in their household according to the various census records. Whether or not these people owned these slaves is a matter of controversy. It is possible that they own them, but it is also possible that they simply boarded these slaves in return for money.

As a reward for service in the military conflict on behalf of the Patriots, soldiers were often granted monetary compensation, land grants, even slaves.<sup>14</sup> This practice of rewarding military service is an ancient one. Mutations of the practice did occur over time, but even in the colonial era through the Revolutionary Era, semblances of the practice are demonstrated in the Carolinas and Georgia. As a clear likeness can be shown it can be argued that this practice is a

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<sup>12</sup> Joan A. Inabinet and L. Glen Inabinet, *A History of Kershaw County, South Carolina* (Columbia: The University of South Carolina Press, 2011), 82-85.

<sup>13</sup> Zack Cantey, "Bonds Self Purchase," February 1794, Kershaw County Deed Book, 130, Camden Archives & Museum; Bonds Conway, "State of South Carolina," September 14, 1812, Bonds Conway papers, 1763-1907, Accession Number 3478, University of South Carolina University Libraries, Digital Collections; Edwin Conway, "Deed of Sell to Zack Cantey," December 17, 1793, Kershaw County Deed Book, 129-130, Camden Archives & Museum; Inabinet, *ibid.*

<sup>14</sup> M. Foster Farley, "The South Carolina Negro in the American Revolution, 1775-1783." *The South Carolina Historical Magazine* 79, no. 2 (1978), 85, <http://www.jstor.org/stable/27567488>; Benjamin Quarles and Thad W. Tate, *The Negro in the American Revolution* (Reprint, 1961; Chapel Hill: University of North Carolina Press, 2012), 101-102, 107-108; Eric G. Grundset, ed., *Forgotten Patriots*, 551-624.



continuation of an English tradition. Further demonstrative of the fact that the American War of Independence was not very revolutionary.

The Romans granted citizenship to slaves who fought or *praemium*, a onetime discharge benefit.<sup>15</sup> In medieval England, the property was called a *fief*.<sup>16</sup> Knights or sometimes serfs who had performed an extraordinary act of service in support of their liege Lord or King, would be granted serviceable land provided they swore oaths of fealty. These lands could be taken from enemies who had lost or were selected from public domains. Feudalism was based on military service and loyalty no matter if the system is ‘classic’ or ‘bastard feudalism.’<sup>17</sup> In the classic form of feudalism, the monarch was the tenant-in-chief, meaning he owned everything and provided fiefs or land, along with military and legal protection to his Lords, vassals to the monarch. The Lords would return this with military aid and homage, or oaths of fealty. Sometimes these Lords would hire mercenaries as a form of military aid in fulfillment of their obligations. This was called *scutage*. Under the lords, were their vassals, the knights. The knights were the military warriors and were at times allotted small lots of lands in return for their homage and service. The lowest tier of this hierarchy were the peasants, or *serfs*. In the classical form of feudalism, which was in place from the eleventh century to the thirteenth, serfs were usually tied to the land.

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<sup>15</sup> Suetonius, *The Lives of the Caesars: Augustus* (Loeb Classical Library, 1913), 49.2; Cassius Dio, *Roman History*, vol. VI (Loeb Classical Library Edition, 1917), LIV.25.6..

<sup>16</sup> Great Britain, *Liber Feodorum. The Book Of Fees, Commonly Called Testa De Nevill, Reformed From The Earliest MSS*, Vol.1 (London, H.M. Stationery Office, 1920); Attilio Stella, *The Libri Feodorum (the ‘Books of Fiefs’): An Annotated English Translation of the Vulgata recension with Latin Text* (Brill: Boston, 2023), 3, 12; François-Louis Ganshof, *Feudalism*, trans. Philip Grierson, 3rd edn. (New York, 1961), xv-xviii.

<sup>17</sup> David Crouch, “From Stenton to Mcfarlane: Models of Societies of the Twelfth and Thirteenth Centuries,” *Transactions of the Royal Historical Society* 5 (1995): 1780-182, <https://doi.org/10.2307/3679333>.

The bastard form of feudalism became more cemented in society during the late Middle Ages and continued until at least the 1500s in England. This form only truly differed from the classical in that the people were given more allotments and rewards, because of the situation in Europe beginning with the black plague for example. The significant decrease in the population meant that the king required more people in his military campaigns and one way to accomplish that goal was to provide inducements for service. The traditions associated with feudalism in particular the disbursement of lands and titles to people in return for military service continued in one form or another throughout English history. As the Carolinas were established under the charter of the Lord's proprietors and later with the fundamental constitutions, the idea that lands as a reward for military service was further submitted in the legal institution of the colony. In Georgia this would be less evident, however there was still a land grant system in place at the end of the Revolutionary Era.

In the United States Constitution, Article IV, Section 3, Clause 2 states:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.<sup>18</sup>

This section of the United States Constitution is not the only part in which echoes the English legal tradition. In fact, the Fifth Amendment echoes the language of the Magna Carta Clause 29 by stating that "no person shall be deprived of life, liberty, or property without due process of law."<sup>19</sup> The Twenty-Ninth Clause of the Magna Carta states, "No freeman is to be taken or imprisoned or disseised of his free tenement or of his liberties or free customs, or

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<sup>18</sup> Constitution, Article IV, S.3, C.2.

<sup>19</sup> Constitution, Article IV, S.3, C.2.

outlawed or exiled or in any way ruined, nor will we go against such a man or send against him save by lawful judgement of his peers or by the law of the land. To no-one will we sell or deny of delay right or justice.”<sup>20</sup> All of these legal additions to the United States Constitution are very similar to the Magna Carta and deal with property rights. In summary, it can be included that the government has the right to take land that is not in use and dispense of it to people who have served in the military, but they government does not have the right to unlawfully sees said properly without the person being tried and convicted by a jury of peers. So, it was in the time of medieval England so it was in the time of the early Republic. The issue here is whether or not the person was free. Whether someone was a woman was another issue.

Patriots in the Carolinas and Georgia were rewarded with land, monetary reimbursement, slaves, and in the case of a select few with freedom. In South Carolina during the course of the American War of Independence, the reluctance of the assembly to allow a mass enlistment of free people of color or slaves into the military meant that there had to be an increase in inducements for military service. One of these inducements became known as Sumter's Law. Sumter’s Law promised an allotment of slaves to a person who served on the side of the patriots during the conflict in lieu of land or at times monetary reimbursement. Sometimes slaves will be given in addition to either one of these rewards. These rewards were founded in historical precedent. To be more exact they were the culmination of a combined military, social, economic, and political history. The continuation of this tradition demonstrates continuity. However, in the sense that a new nation had been formed the fact that the new government was also using the land grant system as a means for punishment it could be construed as a localized shift.

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<sup>20</sup> Magna Carta, Clause 29, 1215.

Loyalists, in all colonies, were punished in some way by the Patriots during and after the American War of Independence. In the time after the war was a process of reintegration. This process occurred from 1776 to approximately 1790. During this era in North Carolina the state legislature passed the Confiscation Acts.<sup>21</sup> The confiscation acts were a series of legal actions passed by The North Carolina State assembly in the effort to both to punish and reintegrate loyalist into the new nation. The means of punishment was to confiscate property. In South Carolina, there were a few acts which were passed to accomplish the same goals.<sup>22</sup> In Georgia confiscation was a prospect that loyalist faced. In all three former colonies, loyalists also faced the prospect of exile and imprisonment during the early years of the conflict.<sup>23</sup> These punishments gradually softened especially after the 1783 Treaty of Paris. The activities of women in the efforts to petition for their husbands return and further securing for the new government loyalty by way of oaths of allegiance were a known action to have occurred.

Women would usually petition the state courts for the return of their husband's property and or the allowance of the return of their husbands. These petitions were usually drawn up in situations where their husbands had been confirmed of serving the British military during the American War of Independence. This confirmation could come from known military service or from signed documents such as a congratulatory letter to Sir Cornwallis in his capture of Charleston as was signed by a husband of Mrs. Beatty.<sup>24</sup> The petitions of women were usually

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<sup>21</sup> M. Foster Farley, "The South Carolina Negro," *ibid*; Quarles, *ibid*.

<sup>22</sup> Rebecca Brannon, *From Revolution to Reunion: The Reintegration of the South Carolina Loyalists* (Columbia, South Carolina: University of South Carolina Press, 2016), 1-11, 97-98.

<sup>23</sup> Eric G. Grundset, ed., *Forgotten Patriots*, *ibid*.

<sup>24</sup> "An Act To Enable Mary Cumming To Sell And Convey Certain Lands In The Districts Of Charleston And Beaufort," South Carolina, March Session, 1789, HeinOnline; Holly A. Mayer, *Women Waging War in the American Revolution* (Charlottesville: University of Virginia Press, 2022), [muse.jhu.edu/book/109877](https://muse.jhu.edu/book/109877).

for the return of their husbands and their property. These petitions would often cite financial need, genuine remorse, sincere allegiance, British duress in their activities during the conflict. Women would cite the patriotic work that their husbands participated in and their continued loyalty to the government.

There were occasions where women would petition solely for the return of their property. The case of Mary Cumming in South Carolina cited that both her father and her husband were British citizens.<sup>25</sup> Her father had died before the conflict and that her husband served the British military loyally and had since absconded to Britain leaving her destitute. Her petition was for the return of her property which she inherited from her family so that she could support her children. She furthermore cited that she was loyal to an American government.<sup>26</sup> Although she could not exercise the same rights as a free white man of age, Mary Cumming effectively utilized a system grounded in English tradition to the effect that it secured her inheritance for herself and for her children. Mary Cumming was granted her petition because her husband was absent, she further affirmed her allegiance to the American government and that that property was hers by birthright. The legal system that was in place as of the time of the petition was supported by historical precedent. It was supported by the rights granted in the Magna Carta.

Women such as Elizabeth Clitherall would have a different experience than Mary Cummings and other patriotic women. Mary Cummings may not have been a patriot; however she was quick to assert that it was her husband that was a British sympathizer and soldier. In the case of Elizabeth Clitherall, the same cannot be said. It was well known that her husband was a

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

British soldier. It was also known that she herself had helped the British. However, there were some allegations that she also aided the patriots.<sup>27</sup> That makes her case very complicated. In the documents that were submitted to South Carolina's General Assembly, she the petitions for the return of her husband from exile and furthermore the return of property to her.

Unlike Mary Cummings, who was petitioning for the return of property for which she was the legal heiress before her marriage to her loyalist husband who had abandoned her, in order to sell it for the upkeep of her family, Elizabeth is arguing the exact opposite for the same reason. In this petition, it is claimed that her husband was induced to accept the office offered by the British.<sup>28</sup> The tone in which was used in this petition made it seem as though he was coerced into accepting this position in light of the fact that his family was being threatened. She does highlight that he afforded every positive attention to American patriots during the war. Specific attention is given to the American Hospital.<sup>29</sup> In short, she is highlighting these mitigating factors in order to sway legal opinion in her favor of returning her husband from exile.

Cases like Elizabeth's and Mary's were not unique. However, the most common way of reintegrating loyalist families who remained in the Carolinas and even Georgia was through marriage. The Laurens family accepted spouses from the Ball family.<sup>30</sup> The relief of loyalist families from the various confiscation acts was done more so to aid families with minor children

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<sup>27</sup> Kenneth A. Daigler, *Spies, Patriots, and Traitors: American Intelligence in the Revolutionary War* (Georgetown University Press, 2014), 205, <http://www.jstor.org/stable/j.ctt6wpkz8>; Elizabeth Clitherall, "Petition #11378402," February 16, 1784, Records of the General Assembly, Microfilm, Reel #2 Frames 336-337, South Carolina Department of Archives and History, Columbia, South Carolina, <http://dlas.uncg.edu/petitions/petition/11378402/>.

<sup>28</sup> Elizabeth Clitherall, "Petition #11378402," *ibid*.

<sup>29</sup> Elizabeth Clitherall, "Petition #11378402," *ibid*.

<sup>30</sup> Brannon, *ibid*, 1-3.

then they were to the effect of aiding the soldiers who fought on the side of the British. The only real way that loyalist families could advance was through marriage of women to patriotic men and through the mercy of the courts to the families of loyalist soldiers who had minor children and women who were to inherit the land by law anyway.

Life in Georgia, for people of color and women had taken a different turn from the past and from the Carolinas. Georgia as it was established in 1732 under Oglethorpe was an adventurous enterprise, long awaited to keep enemies of Britain at bay. During the colonial era from 1732 to 1753, slavery was banned in the colony of Georgia. That did not mean that people of color were banned in the colony. Economic pressure did lead to the eventual acceptance of slavery as a necessary evil. Unfortunately, in Georgia as slavery began to become an integral part of the economic dynamic, more penalties began to be placed on free people of color than on those who were enslaved. As demonstrated, the free people of color were living under walls which were essentially enslaving them in the colony. They had to live with and be under the guardianship of a white person, their taxes were exorbitant, if they came into the colony within six months, they had to have had found an industrious employment at the risk of being imprisoned.

If imprisoned, they were only released when they were bonded out to a white person who offered them work for an untold amount of time to pay off the bond. It was slavery without being slavery. For women in the early years of colonial Georgia, they were not allowed to inherit. The thought was that they could not contribute to the economic prosperity of Georgia. That was proven untrue. It was proven untrue to Georgians, who eventually allowed for women to inherit. Through inheritance women could consolidate and even increase property and wealth holdings of a particular family. As demonstrated by colonial wills in Georgia, women were bequeathing real

property to relatives. After the Revolutionary Era, women did not see change in the way of progress. In Georgia, documents show that men were assigning other men guardianship of their wives and adult female children. Women acted as the head of household or as executors of wills in some cases but it was a rare occurrence.

In the years of the Early Republican Era, it can be demonstrated that people of color, whether they were free or enslaved, and women in the Carolinas and Georgia seemed to have experienced a change in life. This change was indicative that their lives were not changed in a revolutionary fashion but in a counter-revolutionary one. At most their lives did not change at all. What occurred during the Revolutionary Era was a political change for white men of privilege. Even to them, this change was not revolutionary but evolutionary because it was something that was built upon rather than a fundamental shift in dynamic. The change from a colonial government overseen by a monarchy wherein they were very educated, was not historically unique. It was an ancient practice as are Democratic Republics. The monarchy in which they were under was a constitutional monarchy. After the 'Revolution' with the implementation of the government under the Constitution, there was the President who went hand in hand with the Congress.

For women and people of color this change was not truly felt. Even though they participated in the event which allowed for the change to occur. For men who were colored or of African descent, they were extremely limited if they were free. They were often subjected to excessive taxation which meant that they were prohibited in states where there was not a restriction based on race but on those who pay taxes. In the Carolinas and Georgia, the very first state constitutions prohibited the participation of free and enslaved people in politics. The first state constitutions also prevented the participation of women. However, some one hundred years



later people of color did gain full rights of citizenship wherein they were supposedly permitted to vote. In 1919, women were granted the right to vote. Voting is the benchmark of a Democratic Republic wherein all citizens our participants. It was a completion of a process.

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